

PHILANTHROPY,
PROSELYTISM AND CRIME;

A REVIEW

OF THE

IRISH REFORMATORY SYSTEM,

WITH A GLANCE AT

The Reformatories of Great Britain,

AND AT,

MR. MAGUIRE'S INDUSTRIAL SCHOOLS BILL.

BY THE

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LONDONDERRY.

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P R E F A C E .

E. K. S.
16 Sept 27
THE writer of this Pamphlet has only one object to serve in its publication—the promotion of the moral and social interests of his country. Holding decided opinions, he makes no apology for expressing them with candour; for, whilst he sees the nation embarking upon a perilous experiment which can only end in disaster, if not speedily abandoned, it would be culpable to be silent. The views exhibited in these pages are those of one, whose heart is in the cause of the criminal, the industrious, and the poor, and who feels that, in recent legislation, their welfare has been betrayed. Where the arguments and actions of distinguished men are most freely canvassed, there is room enough left for the admission, that their motives are above all impeachment, and that, though obstructers by mistake, they are real benefactors in their aims.

The writer cannot too strongly express his obligations to JAS. M'KNIGHT, ESQ., LL.D., for the valuable information derived from his literary labors on this great question. When vital interests are at stake, and when sound conclusions can only be reached by threading one's way through the intricacies of conflicting opinion, and surveying very diversified fields of inquiry, it is impossible, under such circumstances,

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to over-estimate the value to be attached to the moulding influence of a superior mind.

Likewise to DAVID CUNNINGHAM, Esq., the heartiest acknowledgments are due for the benefit derived from his patient researches, and his extensive acquaintance with the subject discussed in these papers. His own individual endeavours—as unostentatious as they have been successful—in rescuing young criminals from the paths of vice, entitle him to be heard on any question relating to the reformation of juvenile offenders.

Londonderry, October 4, 1861.

C O N T E N T S.

| CHAP. | PAGE. |
|---|-------|
| I. Were they Needed ? | 5 |
| II. The Deasy Reformatory Act. | 9 |
| III. Reformatories—Prisons under Irresponsible Management. | 15 |
| IV. Demoralizing Tendencies of Reformatories. | 21 |
| V. Sectarianism of Irish Reformatories. | 34 |
| VI. Proselytism. | 38 |
| VII. Cost to the Nation. | 56 |
| VIII. Power of Magistrates. | 65 |
| IX. Protracted Imprisonment Injurious. | 69 |
| X. Hostility to the Irish Reformatory Act. | 73 |
| XI. English Reformatories—A Beacon. | 77 |
| XII. Industrial Schools Bill. | 85 |
| XIII. Practical Suggestions. | 88 |

IRISH REFORMATORIES.

CHAP. I.

WERE THEY NEEDED?

IN tracing the history of Irish legislation in recent times, one cannot overlook the fact that wise statesmen have seldom ventured on new and sweeping measures in the government of Ireland, without some political necessity which could not be resisted, or some demands of justice which could not be denied. So conflicting are the interests that have to be consulted, and so inveterate the jealousies of opposing factions, that any rash or unnecessary interference with the established order of things has been studiously avoided, as at once impolitic and unsafe. The Emancipation Act was only conceded when the country was on the brink of civil war. The Church Temporalities Act was passed as a breakwater against a tide of national feeling that would have swept the church establishment into the silent depths of history. The National Education scheme was introduced, simply because statesmen could not close their eyes to the fact, that in the matter of Education a darkness had overspread Ireland as thick as that of Egypt itself, and that it was vain to wait inactive from generation to generation until the river of ignorance should flow past. The Irish Poor Law came into operation as a remedy for a degree of mendicancy that had become the scandal of the British empire, and which was not likely to decrease under the existing state of things. Whatever difference of opinion there may be respecting the merits of the several measures here glanced at, no one will venture to deny that they were framed to meet evils with which it was absolutely necessary to grapple. Their promoters may fairly challenge any one to say that they officiously interfered at a time when the horizon was clear, the sea of politics at rest, and all things well. Whether it was the right

thing or the wrong thing that was done, one thing is demonstrable, that legislative action was imperatively demanded.

As we are anxious to keep on good terms with all philanthropic individuals whose bowels yearn over the circles of juvenile depravity, we could almost wish that a similar necessity could be pleaded for the establishment of Reformatory Schools in Ireland. We humbly confess to have been, some time ago, carried away by the popular weakness, and to have breathed heavily under the impression that juvenile crime in Ireland was becoming so formidable that nothing but a Reformatory system could save the country. Our alarms had been excited by the testimonies of men well versed in criminal jurisprudence. For example, the present Attorney General for Ireland in addressing the Grand Jury at Kilmainham in January, 1858, is reported to have said—"Such institutions (Reformatories) are essential for the prevention and repression of crime." Again he says—"It is not very creditable to Ireland that we should have delayed, so long, the commencement of so good a work. We need it as much as any other country." In the same month, Sergeant Berwick thus addressed the Grand Jury at Cork—"To give full efficacy and extended operation to our exertions, it is essentially necessary to obtain the sanction and aid of the legislature." About the same time Mr. Patrick Joseph Murray, barrister at law, published a pamphlet, containing draft of a Bill to be submitted to Parliament, and he reiterated with increasing momentum the alarmist arguments of his learned co-adjutors in the Reformatory cause. It is no matter of surprise that, amid these cries of "breakers ahead," people who are in the habit of giving childlike credence to the representations of their fellowmen, should really have begun to think that the ship, freighted with a nation's destiny, would soon be swamped in the troubled waters of juvenile crime. Happily for ourselves, we had self-possession enough to look into the facts of the case. And now at the end of three years from the passing of the Reformatory Act, we are able to reiterate with ten fold emphasis what some wise men believed about the necessity for this measure. One would suppose from the statements made in Parliament and elsewhere, that juvenile crime had increased at such a rate in Ireland, that it was necessary to revolutionize the criminal jurisprudence of the country to meet the chronic and alarming evil. Had all available means of stemming the torrent of crime failed, that a new and questionable plan of turning aside the streams of Irish iniquity must needs be adopted by the British legislature?

In reply to this question, we have before us one of the most startling tables of statistics that was ever submitted to the British public; and we venture to say that in the face of this table, no man in Ireland will have the hardihood to allege that there was a shadow of necessity for the new piece of experimental legislation. We intend to deal with facts, and to leave sentiments to those who revel

in the romance of jurisprudence. What the old system was doing to “prevent and repress” crime will be seen at a glance.

COMMITTALS OF JUVENILES UNDER 16 YEARS OF AGE IN IRELAND.

| | 1853 | 1854 | 1855 | 1856 | 1857 | 1858 | 1859 | 1860 |
|----------------------|-----------------|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Decrease per centage | 13,338 | 10,786 19.14 | 7,088 34.28 | 5,327 24.85 | 3,544 33.47 | 2,315 34.68 | 1,635 29.38 | 1,429 12.60 |

RE-COMMITTALS OF JUVENILES UNDER 16 YEARS OF AGE IN IRELAND.

| | 1853 | 1854 | 1855 | 1856 | 1857 | 1858 | 1859 | 1860 |
|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Once | 978 | 914 | 594 | 459 | 290 | 160 | 87 | 81 |
| Twice..... | 466 | 459 | 291 | 138 | 96 | 52 | 31 | 21 |
| Three times | 276 | 229 | 140 | 67 | 28 | 13 | 8 | 3 |
| Four times, &c. | 442 | 429 | 351 | 53 | 21 | 10 | 7 | 2 |
| Total | 2,162 | 2,031 | 1,376 | 717 | 435 | 235 | 133 | 107 |
| Decrease per centage | | 6.06 | 32.25 | 47.91 | 33.33 | 46.00 | 43.40 | 19.54 |

Now it would be difficult to conceive anything more calculated to cover with confusion the advocates of the Irish Reformatory System than the above table of criminal statistics, accurately copied from the authenticated reports of her Majesty's Inspectors General of Prisons in Ireland. What are the facts which they incontrovertibly establish?

In the first place, they prove that whilst in 1853 the committals of criminals under sixteen years of age amounted to 13,338, in 1858 (the very year in which such a wail was raised over the juvenile depravity of Ireland, which nothing but a Reformatory Act could “repress”) they had fallen to 2,315!

But this is not all: for whilst in 1853 the re-committals amounted to 2,162, in 1858 the re-committals were only 235! Committals had during that period steadily decreased at the rate of 30 per cent. on a yearly average, and re-committals had decreased at an average of about 33 per cent. yearly. From all which it would appear that a process of reformation had been going on among juvenile criminals that ought to have been as cheering to philanthropists as it was undoubtedly startling to the inspectors of prisons in Ireland. Whether the Reformatory experiment has done anything like this for the interests of morality in this country we shall see immediately; but meantime, we may surely be permitted to ask, Why the hot haste of the legislature to pass a Reformatory Act in 1858? Were they aware, when they allowed the Bill to become law, that crime in Ireland under the old system was rapidly hastening to extinction? At the same rate of reduction, in the course of eight or ten years more, juvenile crime would have reached an inappre-

ciable remnant. And yet we heard on the bench and in the legislature pressing calls for the immediate establishment of Reformatories, as if these ostentatious philanthropists were afraid that the progress of morality in Ireland would, ere long, sweep their arguments from beneath their feet. The feeling that fed the ardour of Reformatory advocates in 1858 must have been this—"Now or never! If we do not get the system introduced at once, all the young criminals of Ireland will have escaped us, and when our institutions are organised, they will languish through a famine of crime. We already see crime among the juveniles decreasing at the rate of 30 per cent. annually. The prison statistics of Ireland are laughing at us; but we must pocket the affront, say nothing about statistics, draw a long face, look benevolent, and succeed! It is the last throw for success: for if crime decrease as it is doing, Reformatories will be voted a job and their advocates a nuisance. What a pity if juvenile crime should go to its grave in Ireland without Reformatories officiating at the funeral. This decrease of crime is formidable; but let us say nothing about it, and if we pull well together, our dear Reformatories shall yet eat the fatness of the land, and do something more than gather up the crumbs that fall from the table of the British Treasury."

Such must have been the nervous soliloquies of the promoters of a measure which we shall not hesitate, before we have done, to brand with our unadulterated condemnation. But who, we ask, will now dare to assert that there was necessity for such a measure? What are we now to think of the allegation that "such institutions are *essential* for the repression and prevention of crime?" If they are "essential," that must mean that crime cannot be "repressed" without them. And yet without them crime was repressed in Ireland in the space of five years from 13,338 to 2,315 committals. And re-committals were in the same space repressed from 2,162 to 235. Can men expect to continue to palm off benevolent frauds on the British public? Will philanthropic speeches any longer be accepted as a substitute for facts and figures? A day of reckoning is sure to come when the most florid metaphors of benevolence shall be weighed in the balances of inexorable truth, and it shall be held no apology for "great swelling words," that they have been spoken in the interests of a visionary philanthropy. The country is not disposed to pour her treasures into the lap of a hollow sentimentalism, which perhaps, after all, has in it as much design as simplicity. The nation is not willing to look at systems dressed up in the crinoline of outward semblances, but insists on deciding every case upon the merits. She now boldly challenges the patrons of Reformatories in Ireland to prove the necessity for their institution from the criminal statistics of the five years that preceded their establishment. We might wait for the proof before going any farther; but as we wish to discuss the question in all its bearings, we cannot deny ourselves the

satisfaction of surveying the domains of actual legislation on the subject.

CHAP. II.

THE DEASY REFORMATORY ACT.

Juvenile crime in Ireland was undergoing the process of rapid consumption described above, when Mr. Patrick Joseph Murray, who describes himself as a "laborer in the Reformatory School Question," published his Draft-Bill amid a wilderness of criminal statistics. And here we must be permitted to say, that if Mr. Murray had given fewer figures, and more to the point, he would have done two things which he did not intend to do—enlighten the public, and ruin his own cause. Why did he confine himself to the figures of a single year, and introduce a mass of details that did not touch the merits of the question? It would, we submit, have been more to the point, had he compared the figures of the four preceding years, and shewn that juvenile crime had in 1853 amounted to 13,338 committals, and in 1856 (the year he adopts) that it had gone down to 5,327 committals. But doubtless he courteously deemed that comparisons were odious, and that sufficient unto the day was the evil thereof! He wanted to establish the proposition that a Reformatory Act was necessary, and it required only a *part of the truth* to prove that. Why should he be so greedy as to take more than he needs? So he takes as much as answers his purpose, and makes limbo a present of all the rest. We have however taken the liberty of disinterring these despised statistics, and after they have given their emphatic evidence, we shall let who likes cross-examine them. We venture to surmise, that if Mr. Patrick Joseph Murray had printed the table of statistics for *four* years instead of *one*, he would hardly have considered the following remark appropriate: "With facts like these before them, it is strange that our legislators, and those intrusted with the administration of justice, should lag behind the public, and act as a species of drag upon the desire which many entertain of advancing the Reformatory Question in Ireland."* With Mr. Murray's "facts" of one year before them, legislators were disposed to put a "drag" on the wheels; but, if they had had the "facts" of six years before them, they would certainly have made no scruple to take the linchpin out of the wheels of this Reformatory chariot.

But the case was skilfully stated. Mr. Sergeant Deasy stood sponsor to the Bill; it was introduced; the legislature was facile and accommodating, and before the end of the session of 1858, the

* See Pamphlet, p. xxx.

following Act of Parliament was a part of the law of the land. It may seem superfluous accuracy to give the whole Act here; but as we intend to deal in judicial faithfulness with its provisions, we wish to guard ourselves against the possibility of being charged with presenting a partial view of its enactments.

21 and 22 Vic., cap. 103.

“AN ACT TO PROMOTE AND REGULATE REFORMATORY SCHOOLS FOR JUVENILE OFFENDERS IN IRELAND. [2d August, 1858.]

“Whereas it is expedient to provide for the Establishment and Regulation of Reformatory Schools for the better training of juvenile Offenders in *Ireland*: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

“I. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty’s Inspectors General of Prisons in *Ireland*, or such Special Inspector of Reformatories as may be hereafter appointed by the Lord Lieutenant of *Ireland*, who is hereby authorized and empowered to appoint a fit and proper Person to be Inspector of Reformatory Schools in *Ireland*, if he shall think fit, to examine and report to him upon its Condition and Regulations; and any such Institution as shall appear to the Satisfaction of the said Chief Secretary, and shall be certified under his Hand and Seal, to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty’s Inspectors General of Prisons, or such other Special Inspector of Reformatories as aforesaid, to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid; and if upon the Report of any such Inspector the said Chief Secretary for the Time being shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the meaning of this Act; and annual Reports of such Inspectors as touching the Reformatory Schools under this Act shall be annually laid before both Houses of Parliament, accompanied by Accounts showing the Receipts and Expenditure of each such School, and the Certificates granted and withdrawn.

“II. Whenever the Chief Secretary shall at any Time grant a Certificate under this Act to any Reformatory School, he shall within One Calendar Month cause a Notice thereof to be published in the *Dublin Gazette*, and such publication shall be a sufficient Evidence of the Fact of such Reformatory School having been certified to justify the Judge or the Justices before whom any such juvenile Offender shall have been convicted to commit such juvenile Offender thereto, subject to the Provisions of this Act; and whenever the Chief Secretary shall withdraw the Certificate granted to any Reformatory School, he shall within One Calendar Month give Notice of such Withdrawal in the said *Gazette*.

“III. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, if they shall think fit, at any Assizes, and for the Town Councils of the Boroughs of *Dublin*, *Cork*, and *Limerick*, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders which has been or which may hereafter be certified under this Act, supported in whole or in part by voluntary Contributions in such County or Borough respectively, to present a Sum of Money in aid of the Maintenance of such Offenders from such County or Borough respectively, sentenced to or detained in such Reformatory School, to be raised off the said County or Borough, subject to such Conditions as may be agreed upon between such Grand Jury or Council and such Directors, Managers, or Promoters.

“IV. Provided, That no Money shall be presented or ordered to be raised as aforesaid under this Act in aid of any Reformatory School unless the Institution has been certified by the Chief Secretary as aforesaid, nor shall any Money be paid under any such Presentment or Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn.

“ V. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, and for the Council of such Borough as aforesaid, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Directors or Managers of any Reformatory School certified as aforesaid, for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement, without any previous Application to a Presentment Sessions.

“ VI. All Monies presented to be raised and paid for the Reception and keeping of such Offenders in such School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County or by the Council of such Borough as aforesaid respectively for defraying the ordinary current Expenditure of their several Gaols.

“ VII. Whenever after the passing of this Act any Person shall be convicted of any Offence punishable by Law (except the Offence of Vagrancy) before any Judge of Assize or Judges sitting under a Commission of Oyer and Terminer, or before any Court of Quarter Sessions, or before the Divisional Justices of the *Dublin Metropolitan Police District*, or before any Justice or Justices of the Peace at Petty Sessions, under the Provisions of the Sixth Section of “The Summary Jurisdiction (*Ireland*) Act, 1851,” whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of Sixteen Years, then and in every such Case it shall be lawful for the Judge or Court, or the Divisional Justices, or the Justices at Petty Sessions as aforesaid, before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his or her Offence, to direct such Offender to be sent, at the Expiration of such Sentence, to some One of the aforesaid Reformatory Schools, the Directors or Managers of which shall be willing to receive such Offender, and to be there detained for a Period not less than One Year and not exceeding Five Years; and such Offender shall be liable to be detained pursuant to such Direction; Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence at the Expiration of which he is directed to be so sent and detained shall be one of Imprisonment for Fourteen Days at the least; and provided also, that no such Offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the exclusive management of Persons of the same Religious Persuasion as that professed by the Parents or Guardians of such juvenile Offender; and in all Cases in which the Religion of the Parents or Guardian of such juvenile Offender is unknown, the said juvenile Offender shall be considered as belonging to that Religious Persuasion in which he or she shall appear to have been baptized, or of which he or she shall profess to be a Follower: Provided also, that in case the Court which shall order such Offender to be so sent and detained as aforesaid shall think it right to sentence such Offender to a previous Term of Imprisonment to which such Offender shall have been sentenced as a Punishment for his or her Offence, such Term of Imprisonment shall be directed to be carried out and spent, as far as is practicable, in strict Separation: Provided also, that the Chief Secretary may at any Time order any such Offender to be discharged from any such School: Provided also, that whenever any Order shall be made under this Act by any Divisional Justice, or by any Justices of Petty Sessions, for sending any Juvenile Offender to any Reformatory School, it shall and may be lawful for such juvenile Offender, or any Parent or Guardian of him or her, to appeal against any such Order, in case same be made by any Divisional Justice to the Recorder of the City of *Dublin* at his next Sessions, and in case such Order be made by any Justices at Petty Sessions, to the next Quarter Sessions of the Division within which the Petty Sessions at which such Order shall be made shall be situate; but in case there shall not be Fifteen clear Days between the making of the Order and the next Sessions of the said Recorder or the next Quarter Sessions of such Division as aforesaid, then to the next following Sessions of the said Recorder, or the next following Quarter Sessions of such Division as aforesaid; and every such Appellant shall give or cause to be given to the Divisional Justice whose Order is appealed from, or to the Clerk of the Petty Sessions at which the Order appealed from has been made, Notice in Writing of his Intention to appeal, at least Seven Days before the Commencement of the Sessions or Quarter Sessions to which such

Appeal shall be made; and whenever any such Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the Recorder, or for the said Court of Quarter Sessions, as the Case may be, to entertain the same, and to confirm, reverse, or vary the Order complained of, or to order that such juvenile Offender shall be sent to some other Reformatory School established under this Act, and such Appeal shall not be dismissed upon any Point of Form.

“VIII. It shall not be necessary, at the Time of passing Sentence, for any such Judge or Court to name the particular School to which such Offender is to be sent, but it shall be sufficient for such Judge or Court to direct that such Offender be sent to such School (being a School duly certified under the Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, be directed by One of the Judges or by the Justices of the Court before whom such Offender shall be so convicted.

“IX. Any such Court, having made an Order under the Authority of this Act for sending any Offender to any Reformatory, may make a supplemental Order, if the Court shall so think fit, at any Time thereafter, and before the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, exchanging the Name of such Reformatory for the Name of any other Reformatory to which such Offender might in the first instance legally have been sent, provided the Directors or Managers of such Reformatory be willing to receive such Offender, and such Offender shall be sent to such last-mentioned School accordingly.

“X. The Expense of conveying any juvenile Offender sentenced under this Act to the Reformatory School to which he has been committed under an original or supplement Order shall be charged and chargeable upon the County, County of a City, or County of a Town from which he shall have been first removed, and such Expenses shall in the first instance be paid as follows; that is to say, by the Governor of the Prison of such County, County of a City, or County of a Town, when such Expenses shall have been incurred by the Governor or any Officer of any Prison therein respectively having the Custody under Sentence of such Offender, other than a Bridewell, and by the local Inspector of Constabulary when such Expenses shall have been incurred by the Keeper or other Officer of any Bridewell therein respectively having the Custody under Sentence of such Offender; and such Governor and local Inspector respectively shall from Time to Time lay before the Board of Superintendence of the said Prison Accounts duly vouched of the Expenses so incurred; and the said Board shall examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy, shall pay the same out of any Funds under their Control, in like Manner as if such Expenses had been incurred for the Removal of Prisoners under the Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Eighty-five, and the said Act shall extend to and include such Expenses.

“XI. It shall be the Duty of the Governor of any Prison, or the Keeper or other Officer of any Bridewell, having the Custody under Sentence of any juvenile Offender who is ordered to be sent to any Reformatory, to forward, with such Offender, to such Reformatory, an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such Offender has been imprisoned, and if no such Duplicate exists, to forward with such Offender a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the juvenile Offender named therein, and sent therewith, is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or a Copy to such Prison, or Bridewell, and such Memorandum shall be signed by such Governor or Keeper or other Officer aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such juvenile Offender in such Reformatory.

“XII. The Production of an original Duplicate of the Warrant of Commitment or a Copy of the Warrant of Commitment of such young Person, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or Bridewell from which such young Person was sent as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent of any Reformatory School, that the young person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment and subsequent Detention and Identity of the young Person named in such Warrant.

“XIII. It shall be lawful for the Commissioners of her Majesty’s Treasury, upon the Representation of the Chief Secretary of the Lord Lieutenant of *Ireland*, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate *per* Head as shall be determined by them, or such Portion of such Cost as shall be recommended by the said Chief Secretary.

“XIV. And whereas it is expedient that some Provisions should be made for the Punishment of any juvenile Offender so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof : Be it enacted, That it shall and may be lawful to and for any Justice of the Peace or Magistrate in Petty Sessions, or Police Magistrate, acting in and for the County, City, or Borough, Riding or Division wherein the said Offender shall actually be at the Time he or she shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding six calendar months, such period of Imprisonment to be passed, as far as is practicable, in strict Separation ; and such Offender shall at the Termination of such Imprisonment be transmitted to the same Reformatory to which he or she was originally sentenced, if the Directors or Managers shall be then willing to receive such Offender, there to complete the full Term of his or her original Sentence.

“XV. In every case in which any juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he or she shall be so sentenced shall direct the proper Officer of the Court to issue his Certificate of the said Sentence, which shall be conclusive Evidence thereof ; and in every Case of such Sentence as aforesaid the Parent of such Offender shall, if of sufficient Ability, be liable to contribute to his or her Support and Maintenance a Sum not exceeding Five Shillings a Week ; and it shall be lawful for any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent shall reside, or for any Divisional Police Magistrate in any City or Borough in which such Parent shall reside, upon the Complaint of any Person authorized by the Chief or Under Secretary of the Lord Lieutenant for *Ireland* to take Proceedings in that Behalf, to summon the Parent, as the Case may be, and on the Hearing of such Summons, whether the Party summoned shall appear or not, to examine into his or her Ability to contribute to such Offender’s Support or Maintenance, and to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings *per* Week, as shall seem reasonable, during the whole or any Part of the Detention of such juvenile Offender in such Reformatory School, such payment to be made, at such times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as such Chief or Under Secretary may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the said Chief or Under Secretary may direct.

“XVI. The Parent or the Person authorized by the Chief or Under Secretary of the Lord Lieutenant of *Ireland* to take Proceedings as aforesaid may respectively at any time apply to any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-parent resides, or before any Divisional Police Magistrate for any City or Borough in which such Parent resides, or in which such Reformatory is situate, for an Order to diminish the weekly Sum payable by said Parent under such Order as aforesaid, or to increase it to an Amount not exceeding Five Shillings *per* Week ; and the Justices or Stipendiary or Divisional Police Magistrate as aforesaid on Proof that the said Parent or the said Person so authorized to take Proceedings as aforesaid have given to each other, as the Case may be, not less than One Week’s Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the matter, and into the then Circumstances and Ability of such Parent, and may diminish or increase the Amount of the weekly Sum payable by such Parent as they think fit, or may release him from such Payment altogether, such Order to be without Prejudice to any future Order which, on any further Inquiry into the Circumstances and Ability of the said Parent, may appear to be just and reasonable.

“XVII. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent under any

such Order, such sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of the Defendant or otherwise, or if it shall be returned to the Warrant of Distress in any such Case, that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrates to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Ten Days, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

“XVIII. Whereas it is expedient to make further Provision for the due Care and Protection of juvenile Offenders discharged from Reformatory Schools: It shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any juvenile Offender committed to such School, to place such Offender on Trial with some Person to be named in the Licence herein-after mentioned, who shall be willing to receive and take charge of and qualified to provide for and take care of such Offender, and to grant to such Offender a Licence under their Hands, or the Hand of any One of them appointed for that Purpose, to reside with such Person for any Term not exceeding Twelve Months, unless sooner called upon by the said Managers to return to the said School at any Time during the same; and such Managers shall bring back such Offender to the said School at the Expiration of the said Term, provided that such Offender shall not have been previously discharged from the School by Order of the Chief Secretary of the Lord Lieutenant of *Ireland* as aforesaid; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of One Half of the Term of Detention to which he was originally sentenced.

“XIX. Any person who shall directly or indirectly wilfully withdraw any young Person from any such Reformatory School or Institution as aforesaid to which he or she has been so sent, or induce him or her to abscond therefrom, or who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable for any such Offence to a Penalty not exceeding Five Pounds, to be recovered and enforced by summary Conviction in the same Manner, and subject to the same Provisions and Orders, and under the same Powers, as any penal or other Sum may be enforced by summary Conviction under the Petty Sessions, *Ireland*, Act, 1851.

“XX. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, if he shall think fit to do so, to remove any such youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School, and that the same shall only be to some Reformatory under the Management of Persons of the same Religious Profession as that to which he or she might have been originally committed.

“XXI. This Act shall not extend to *England* or *Scotland*.”

Such is the Reformatory School Act for *Ireland*: and here we have given it an immortality which it need not expect to have in the statute-book of *Britain*. We shall now proceed to discuss its provisions, and its actual operation during the last two years.

CHAP. III.

REFORMATORIES—PRISONS UNDER IRRESPONSIBLE MANAGEMENT.

It is frequently lost sight of that Reformatory Schools are and must be essentially penal establishments. They are but prisons under another name. Wherever personal liberty is taken away, that is a prison. It may be the palace of a King, or the garden of the Hesperides, but if you confine a human being in it, you make it a prison. Now call Reformatories by what name you please, ("St. Kevin's Paradise," if you will,) their inmates are really convicts, undergoing in general a prolonged period of imprisonment. That they have all the essential attributes of prisons, was made but too apparent in the case of the boy Tyrrell at Glencree, and in the case of the boy Stephenson in the Akbar at Liverpool. The anomaly, then, of these establishments is this, that subjects of the Queen are handed over to private committees to be dealt with at their discretion, these committees being certified as sufficiently sectarian and otherwise trustworthy to execute the laws upon juvenile culprits. Is it consistent with the genius of British law to employ private individuals, who are responsible to nobody, to carry out the sentences of our legal tribunals? We say it is too much to concede to any body of private and irresponsible men to say to them—"Here is a boy who has been convicted of stealing an apple; take him, keep him for five years, do what you like with him; all we shall do is to take care that he shall not run away from you." We are not afraid to speak out and tell our fellow-countrymen that there is not a body of men in Ireland that we would trust with such power. If the boy continues amenable to the law, so should those who manage him; and if you will not allow him to run away, you should take good care that he is not so treated as to render his position in the Reformatory prison intolerable. There is no parallel whatever between Reformatories and other benevolent institutions managed by committees—not a shadow of parallel. Liberty to leave at any moment, and an unyielding bondage under any circumstances—who would compare the two conditions? In the one case, no committee dare detain a child one hour longer than parent or guardian wishes, under pain of an action for illegal detention; in the other case, both parent and child might remonstrate till they were tired, and weep for deliverance till the tears of sorrow would refuse to come, and the omnipotent and inexorable Reformatory committee would remain, as in the case of Stephenson, the triumphant masters of the child's liberties. As we love fair-play, we condemn such prerogatives. If you give committees such powers, make them responsible for their exercise. Let their actions be brought more manifestly to the light, that the public may see, and see daily, how these tremendous prerogatives are exerted.

Where personal liberty is taken away, there must necessarily be strict prison discipline : and the managers of Reformatories must be armed with extensive disciplinary powers. But, we ask, is it safe to entrust committees, who are practically irresponsible, with such powers? Surely the country has a right to know what are the rules, regulations, education, discipline, of each school; and we are not bound to believe that every establishment that calls itself a Reformatory School is deserving of the name.

It may be said that these objections are met by the fact that an inspector of Reformatories is authorized to visit these establishments "from time to time," and report thereon. But surely it is not even hinted that such periodical visits, few and far between, are adequate supervision. If so, then where is the use of the incessant vigilance that the government, and government officials, exercise in the gaols of the country? If an occasional visit from the Inspector General is enough, then dismiss your chaplains, your local inspector, your surgeon, and your board of superintendence, and tell the public that you have such confidence in the wisdom and gentleness of the governors of gaols and turnkeys, that daily supervision is a work of insulting supererogation.

In point of fact, even in gaols, where the rules and regulations are uniform, well known and well defined, where there are checks at every point, and where an incessant superintendence is kept up by local inspectors and visitors, it is found that all are needed for the prevention of abuses.

As a proof, take the following case. The Inspector General of Prisons in his Report for 1860, (p. 126,) relates, in reference to an Irish gaol—"It now becomes my painful duty to relate an occurrence which reflects most seriously upon the conduct of the governor. A prisoner complained to me that he had been thrust into a dark hole, and chained by the leg. * * * I therefore desired the prisoner to take me to the place where he was confined. I was taken to a door under the steps leading from the male prison to the hospital. The key having been produced, after some delay, I entered a narrow, damp, dark cell, in the far corner of which was an iron post driven into the ground, and a chain attached to it. The governor admitted that in this noisome den the prisoner had been chained for several hours. It is here necessary to state that neither my colleague nor myself had ever been made aware of the existence of this den."

If such tyranny can exist in a gaol, visited almost daily by a local inspector, by surgeon, by chaplains, and under the eye of an experienced board of superintendence, what may not take place in Reformatory prisons, visited only "from time to time" by an inspector of Reformatories? We tremble to think of the abuses that may in course of time creep into these establishments. We will not trust any men, however benevolent, with uncontrolled powers to

punish juvenile criminals. There may be no cruelty exercised : we do not allege that there is ; but we denounce a system in which it may be practised with impunity.

And now we must refer again to Stephenson's case in the Akbar Reformatory at Liverpool. The mother of the boy yearning with affection over her child, contrived to send some coffee and sugar to him by another inmate of the prison. The chaplain thereupon sat down and wrote to that agitated mother these words—"You may have the satisfaction of knowing that your son will have a severe caning to-morrow for telling me a lie, and the boy who brought the things into the ship will also be severely punished. * * * I solemnly warn you that by such conduct you are bringing a fearful punishment both upon yourself and child." We suppose this "severe caning"—this "fearful punishment," was next day meted out with Reformatory liberality to the hapless boy, who eat the sugar sent him by his mother, and, terrified by the prospect of a "fearful punishment," tried to conceal his guilt by a lie. One would like to know how many lashes were inflicted on that occasion.* In gaols the exact number is prescribed, and woe to the governor who would permit one more than the exact number to be given. In gaols the law prescribes the amount of punishment, and no arbitrary lash can fall upon the felon's back. But what law guards the Reformatory prisoner? Who decides when the culprit has had enough? Do you tell us that benevolent committees are above suspicion? We make no charge against any, but we fearlessly assert that absolute power is never above suspicion; and we want some other guard than self-certified philanthropy against the possible abuses of a five years' reign over the liberties of juvenile criminals in Ireland.

If the inmate of a Reformatory is maltreated in the institution, what redress has he? Who protects him? To whom shall he state his complaint while the grievance is yet burning at his heart? He knows not where to look. If he were in a gaol, he would have the chaplain or the local inspector to appeal to; but in a Reformatory he can only fall back on that managing benevolence which is above suspicion! Perhaps we will be reminded here of the periodical visits of the inspector of Reformatories, whose special function it is to redress all grievances and wrongs. But is it likely that any juvenile criminal, under despotic rule, would dare to ap-

* It afterwards transpired that, "in consideration of his losing his parcel," the "fearful punishment," of which the mother was so considerably notified, was reduced to six cuts on the hand with a penny cane." We say, thank you, gentlemen, but we do not know any law that would have prevented your giving the boy *six hundred cuts*, had you felt so disposed. The gratitude of Englishmen, who love liberty and manliness, is eminently due to the Rev. Philip Hains, Incumbent of St. Matthias's, Liverpool, for his able and disinterested efforts on that trying occasion.

proach that high functionary with his complaints, even though he were granted an opportunity? Such a medium of redress would in practice be no more than nominal: and to tell an inmate that the inspector was his legal protector would be but a sarcasm upon his helpless condition. Suppose, for example, bad food is supplied, how is that to be redressed? The country pays for the food, and who inspects it? In gaols it is part of the chaplain's duty to see that proper food is supplied to the prisoners. He inspects it regularly; and one chaplain is a check upon another. Cases now and then occur where the food is condemned, and thus the prisoner is protected in his rights. But who will protect the inmates of Reformatories in this particular? Are we told that they are no worse off than children in our charitable institutions? They are worse off; for they are compelled to remain; whilst children in our charitable institutions can leave or be withdrawn at any moment by their parents or guardians. It is utterly vain to plead any parallel. When a select committee of the House of Commons recommended the establishment of Reformatories, they passed a resolution as follows:—"That such penal Reformatory establishments ought to be founded and supported entirely at the public cost, and be under the care and inspection of the government." That this recommendation was a wise one will appear from the following curious piece of intelligence, communicated in the Report of the Glencree Reformatory, published in April, 1861.* After referring to various modes of punishment adopted in that celebrated Reformatory, the Report goes on to say—"If the fault committed has been very serious, the culprit *takes his meals kneeling in the refectory*, and is allowed only *bread and water*. All sources of enjoyment are cut off, and a variety of prohibitions and disadvantages contribute to make the degradation of a boy to this section a punishment which has been found effective in reducing the most stubborn to obedience; and whatever may have been the insolence of a boy at first, he is sure to be humbled and subdued after one or two week's experience of the discomforts of his new position."

Oh! mild language of Glencree philanthropy! "The discomforts of his new position!" "Two weeks—kneeling at his meals in the refectory," and "allowed only bread and water!" This generally brings the most insolent to his senses. This is the Reformatory discipline which, we are told with pharisaic candour and complacency, "has been found effective in reducing the most stubborn to obedience." We wonder how much farther discipline could go, unless it buried the "culprit" under ground. He "takes his meals kneeling in the refectory"—he "is allowed only bread and water;" "all sources of enjoyment are cut off." This lasts "one or two weeks." The whole course of discipline is, by a philanthropic periphrasis, called

* See *Freeman's Journal*, April 10, 1861.

“a variety of disadvantages,” or “the discomforts of his new position!” Why this bitter irony? Better the managers of the Glencree Reformatory had honestly adopted the language of the “Ackbar” chaplain, and called the above process a “fearful punishment”—such it unquestionably is. But it is not to the particular process here described we object; our objection lies against the system that permits every several committee to adopt their own discipline, without any responsibility. The managers of other Reformatories may go to even greater lengths in penal discipline, and yet they may not have the candour to tell it in their public reports; others might not think it a merit worthy of being trumpeted before the world, and they might be tempted to say nothing about it. Now we hold that Reformatories should be under such control that these things could not be done in a corner. It is not in accordance with the genius of British law, that voluntary associations, however respectable, should be intrusted with the punishment of crime.

There is another thing about which the public are profoundly ignorant—the COURSE OF EDUCATION pursued in Reformatories. Different committees may have very different ideas on this subject—one committee may regard secular instruction as the only thing worth having; another may give it hardly a secondary place; and a third may take as their motto, that “Ignorance is the mother of Devotion.” Every committee may do that which is right in their own eyes. One committee may reform the boys by making them delve all day; another may teach morals solely by the awl and the tailor’s thimble; another may keep the inmates for five years at the perpetual grinding-stone of forced devotions; another, still, may scout everything save arithmetic and book-keeping. They cannot be all right. If we must have Reformatories, do not let the one be laughing at the other; but let us have some uniformity in their mode and principles of instruction. The public have a right to know what they are getting for their money. They pay dearly for these institutions, and it is little enough that they should be made acquainted with the style of education for which they pay. We go farther, and maintain that if the country pay for Reformatories, they ought to provide that a sound, secular education be imparted. Is this a matter that should be left to the caprice, or haply, at some future time, to the ignorance of Reformatory committees? It is possible that the operation of “blasting immense blocks of granite” may have a capital moral effect on young criminals, (as well as prove remunerative to the Reformatory company,) but some general principles ought to be laid down for the guidance of the managers of these great establishments, lest there might be too much “blasting,” and too little moralizing.

We have now to call attention to another abuse, arising out of the private and irresponsible character of these establishments. The Act provides that an offender is to be sent at the expiration of his

sentence “to some one of the aforesaid Reformatory Schools, *the directors or managers of which shall be willing to receive such offender.*” The consequence of this provision is, that managers may refuse to admit the criminal, even after the justice or judge has selected the Reformatory to which such offender is to be sent. And in thirty-five recorded cases they have actually so refused. The reasons assigned for the declining of certain unfortunates are sometimes very suggestive. An offender, J. D., was rejected at Glencree because of a “*previous offence—assault by stabbing.*” Two others, M. C. and M. D., because “*their crime was of so aggravated a nature.*” So, it would appear that Glencree must have good boys or none. Heinous criminals that really need Reformation must be left to the tender mercies of gaols: for even the stern discipline of “bread and water,” and “kneeling in the refectory” for a fortnight at meals, could not reach aggravated crime. If one Reformatory rejects a boy because he is a bad boy, of course every other Reformatory may do the same: and thus the very criminals, whom it was alleged nothing but Reformatories could pluck as brands out of the fire, are to be denied altogether the benefit of these institutions, which the country pampers for their sake.

Others again are rejected because “physically objectionable.” We suppose they did not look like boys that would be good hands at “blasting rocks,” “turning the lathe,” or “digging up antediluvian bogs.”* There must be no physical defects where it is desirable that every inmate should, by his labor, add a little to the general stock in trade.

Several were rejected because the term (one or two years) was too short. One would have thought that a boy of 12 years could have drunk in a good deal of morality by a two years’ residence beside the pious fountains of Glencree. But it appears the ethics of St. Kevin’s require a five years’ apprenticeship. Let us now hear what the Inspector General of Prisons thinks of this anomaly in jurisprudence.† “Thirdly, and lastly, we request attention to table 25, now furnished for the first time, which contains a summary of the causes of the *rejection* of juveniles directed to be retained in Reformatories. This table reveals the striking fact that in no less than 35 cases, amounting to 8 per cent. on the whole, justice has been frustrated partly by a non-observance of some of the preliminary formalities prescribed in the 21 and 22 Vic., cap. 103; partly by the miscalculation of officials, and partly by the exercise of mere will on the part of the managers of Reformatories, *who are wholly irresponsible, and beyond the control of the judicial authorities.*” The Inspector General then continues—“The law has been stultified by the absolute discharge of this large aggregate of delinquents, some of them having been rejected on account of the gravity of their previous

* Report of Glencree Reformatory, April, 1861

† Report, (1860,) p. 43.

offences, who were turned loose upon the community after the completion of the very brief and inadequate imprisonment which had been awarded as a mere preliminary, and solely for the purpose of fulfilling the required conditions antecedent to their intended detention in the Reformatories." To add one word to this emphatic protest against the private and irresponsible character of Irish Reformatories would but weaken the effect of the official remonstrance.

The 18th section of the Act enables managers to farm out able-bodied delinquents to licensed masters, who may use them as a species of slaves. And then the following section contains a brief "Fugitive Slave Law," forbidding any person to "harbour or conceal" any Reformatory fugitive. This is a further delegation of power to irresponsible parties, that cannot be viewed without serious distrust. In short, no matter in what aspect we view the privacy of the system, it presents features that bear but little likeness to the usual manly and straightforward character of British legislation.

CHAP. IV.

DEMORALIZING TENDENCIES OF REFORMATORIES.

Have Irish Reformatories tended to the "repression and prevention of crime?" If they have, then, whatever we may say against their principles and operations, they must be acknowledged as salutary and beneficial to society. But if, on the other hand, it should appear that an arrest has been placed upon the decrease of crime since their establishment, they will stand out before the world as a delusion and a snare.

We must once more appeal to the statistical table printed at the 7th page of this pamphlet—a table which tells its tale with cold and unrelenting justice. We find that in 1858, the year preceding that in which the Act came into full operation, the decrease in commitments of juvenile offenders was 34.68 per cent. upon those of the previous year. In 1859 the decrease had gone down to 29.38 per cent. : whilst in 1860 the decrease was only 12.60 per cent. upon the previous year. The same arrest in the decrease of crime is observable in the case of re-committals. In 1858 the decrease was going on at the rate of 46 per cent.; whilst in 1860 it was only 19.54 per cent. And when it is remembered that in 1860 no less than 259 offenders had been drafted off to Reformatories and removed altogether from society, one would have expected re-committals to have almost ceased. Yet in no year since 1854 was the decrease so small as in 1860, with all the aid of Reformatories in the "repression of

crime." The truth is palpable, and no one will venture to call it in question, that at the very point where the Reformatory System intermeddled with the course of justice in this country, there the rapid reduction of crime began to be sensibly arrested. This is a state of things that to many will appear at first sight utterly unaccountable. Dreaming of Reformatories as the panacea for youthful depravity, they will doubt the testimony of their senses when they peruse these disappointing statistics. But the fact must be believed and faced; and what is still more, we can account for it in the most satisfactory manner. The present Reformatory System has a demoralizing tendency, and this position we now proceed to demonstrate.

We desire it to be distinctly understood that we throw no cold water on the efforts of philanthropy; and that if any words of ours should tend to dry up the streams of benevolence, in any heart, it would be a result which we never contemplated and which we should most sincerely deplore. It is what we believe to be misguided philanthropy and wasted benevolence that we oppose and condemn.

We regard the connexion between crime and its punishment as one formed by a higher than human authority; and whilst commiserating the condition of the criminal, we will not allow ourselves to think that his crime gives him any special claim upon our indulgence and our love. Lawyers tell us that Christianity is a part of the law of England; and we ask—Where is the statute in the Bible which says that crime should be pampered and not punished? We have had too much national sentimentalism, and too much sickly sympathy with depravity. We believe in the power of love, but not in that love which slays justice and feeds upon its carrion. It is no part of the Christian creed that crime is an avenue to favour, or that felony consecrates the criminal. We are happy to find Dr. Montgomery speaking out on this subject. At a late meeting of the "Non-Subscribing Association," referring to that modern system of treating young criminals, which Mr. Pearson, of London, calls "*The Expensive and Effeminate System*,"* he is reported to have said—"That was the shame of the age in which they lived. It was mawkish sentimentality for a time. They talked of having love for criminals while they abhorred crime. That was all mawkish talk. He had pity for criminals; but they had no moral approbation of his to entitle them to his love, and he believed that that treatment of criminals was inconsistent with common sense—it was inconsistent with common honesty, and with the best feelings and practices of men in a sound state, and with the laws of God."†

It is interesting to find the very same views put forward from a very different theological stand-point; but it would appear that

* "What is to be Done with our Criminals?" by CHARLES PEARSON, Esq. 1857.

† Speech at Dromore.

practical common sense may grow side by side with all theologies. The Rev. C. H. Spurgeon, of London, thus expresses himself, describing an interview he had with a benevolent lady, who advocated the indulgent system with criminals—"Indeed, ma'am," I said, "I've heard that theory a great many times, and I have seen a good deal written upon it; but do you know I don't believe in it. I believe that when a man does wrong, he ought to be punished for it, and that there is a guilt in sin that ought to meet with punishment. * * I treated at that time, as a matter of amusement, the idea of loving these people at such a rate, that when a man did wrong, we should love him and make him as comfortable as we could, in order to bring him to feel sorry, and so bring him round by kissing him, as it were. I did not think I should live to see this kind of stuff taught in pulpits, or that there would come out a divinity which would bring down God's moral school from the strong position it does take in Scripture to a namby-pamby sentimentalism such as this good woman would plead for."*

Undoubtedly too much cannot be done for the reformation of criminals; but the whole question turns upon the best method of effecting this desirable object. Let us not be branded as hostile to their reformation because we cannot endorse the plans of all philanthropic theorists on the subject. We condemn the present system because we want real reform.

The Reformatory Act places young criminals in a far better position than the children of the honest poor. We know few labouring men who have as much weekly to support a large family as is expended on one single inmate of a Reformatory School. One can imagine the feelings that would burn in the breast of a poor, honest, labouring man, on coming in from his week's hard toil on Saturday night, with his little pittance in his pocket; and taking up a penny newspaper, containing the report of some brilliant public meeting in the Reformatory interest, he finds bishops, earls, baronets, barristers-at-law, judges, and a host of eminent commoners, whose names he reads carefully through; then come glowing speeches, burning with benevolence towards the young criminals of Ireland. Every heart in the meeting was foaming over with love, and the heroes of all this ardour were the youthful felons and misdemeanants of the country. The poor, honest man thinks to himself it would be a long time he would be working in the fields, or heaving coals, before this honor would be paid to his children. He sighs to think that honesty has so little fame, whilst crime is lionized on every platform. What peer of the realm would notice the honest laborer's honest child; but let that child qualify by felony for these national honors, and soon his name shall be engraven on ten thousand

hearts ! It is no wonder that since these demonstrations became common in Ireland, honesty has begun to languish, and morality to shrivel in the shade. No wonder that in 1860 the reduction in the juvenile criminals of Ireland had gone down to 12 per cent.—scarcely any reduction at all—whilst previous to the passing of the Reformatory Act the reduction was about one-third every year. Is there not a cause? It is not worth while to be honest (so some appear to think) when crime is the only passport to distinction and the heart. Hear Lord Stanley on this view of the case. In a speech in the Town Hall of Manchester in December, 1859, he said—“ In the next place let it be known, let it be understood, that there are at an Industrial School no advantages, whether in the way of present indulgence, or teaching, or future prospects, which are not equally in the power of any honest working man to obtain for his children. If that caution be disregarded, you create a feeling of envy and jealousy which is very difficult to deal with—all the more so, because it is founded in justice.” The very shoals which Lord Stanley warned the people of Manchester to avoid, have been rushed upon by the legislature in the Reformatory School Act for Ireland. Pauperism and labor are alike unable to cope with crime. Poor, struggling parents cannot get their children into the Union Workhouse unless they go along with them; and, under these circumstances, is there not a strong temptation on their part to countenance in their children as much crime as will secure them a refuge in these Reformatories which are so much extolled by the noble and the good of the land? So glaring is the contrast between Union Workhouses and Reformatories in respect of indulgence and expenditure, that an effort has been recently made to throw discredit on the Workhouse system, with a view to advance the Reformatory and Industrial School cause. But the attempt has utterly failed—no case has been established against the Irish Poor Law administration, and the inevitable conclusion is, that if the Poor Law expenditure is sufficient for paupers, it ought also to be sufficient for criminals. Yet, what is the fact? Let the subjoined Return speak for itself. We may mention that this Return was ordered on the motion of Sir Edward Grogan, Bart., M.P. for the city of Dublin, who seems to have very enlightened views on the Reformatory question.

[*RETURN to an Order of the Hon. the House of Commons, dated 6th June, 1861.*]
REFORMATORY SCHOOLS (IRELAND), under 21 & 22 Vict., c. 103.

| Name and Locality of Reformatory School. | The Religious Persuasion and Sex of each School. | The Date of the Certificate of each School. | Number each school is calculated to accommodate. | The number of children received into each school in 1860. | Actual number of children in each School Dec. 31, 1860. | Cost incurred for the Maintenance, Clothing, and all other Expenses of each child in such School, per Annum. | The amount contributed by the Parents, Relatives, or Guardians of the Children, or by the State, or other Public Authority, for the Maintenance of each School, for the Year ending 31st Dec., 1860. | | | | Amount of all Donations, Subscriptions, or other Charitable Contributions, for the Maintenance of each School, during the Year 1860. | |
|---|--|---|--|---|---|--|--|---------------------|---------------------|---------------------|--|---------|
| | | | | | | | By Parent. | By State. | By Rates. | TOTAL. | £ s. d. | £ s. d. |
| 1 High Park, Co. Dublin, | R. Catholic, female. | 21st Dec. 1858. | 45 | 13 | 28 | £ s. d. 23 10 2 | £ s. d. 19 1 5 | £ s. d. 399 17 7 | £ s. d. 104 13 8 | £ s. d. 523 12 8 | £ s. d. 147 9 4½ | |
| 2 St. Joseph's, Limerick, ... | R. Catholic, female. | 25th Jan. 1859. | 60 | 16 | 23 | 24 7 1¾ | 0 9 3 | 276 18 9 | 0 0 0 | 277 8 0 | 45 0 0 | |
| 3 St. Kevin's, Glencree, Co. Wicklow, | R. Catholic, male. | 12th April, 1859. | 240 | 141 | 228 | 19 9 5½ | 97 0 5 | 3009 9 7 | 152 4 4 | 3558 14 4 | 485 15 9 | |
| 4 103, Cork-st., Dublin, ... | Protestant, female. | 12th April, 1859. | 24 | 6 | 7 | 25 16 3 | 2 11 0 | 124 5 0 | 13 1 4 | 139 17 4 | 127 0 0 | |
| 5 Golden Bridge, County Dublin, | R. Catholic, female. | 3d May, 1859. | 60 | 21 | 22 | 26 10 0 | 9 17 10 | 267 19 2 | 30 14 4 | 308 11 4 | 262 7 2 | |
| 6 "Spark's Lane," Monaghan, | R. Catholic, female. | 29th July, 1859. | 40 | 12 | 19 | 20 2 4 | 8 5 2 | 264 17 10 | 30 4 2 | 303 7 2 | 525 10 11 | |
| 7 No. 3, Rehoboth Place, Dublin, | Protestant, male. | 18th Nov., 1859. | 46 | 8 | 10 | 25 17 10 | 2 9 0 | 131 11 0 | 16 16 8 | 150 16 8 | 124 3 0 | |
| 8 "Malone," Belfast, | Protestant, male. | 13th Mar., 1860. | 50 | 17 | 14 | 28 8 6 | 0 14 0 | 123 3 0 | 0 0 0 | 123 17 0 | 168 0 0 | |
| 9 St. Patrick's, Upton, Co. Cork, | R. Catholic, male. | 6th July, 1860. | 80 | 12 | 12 | No juveniles were received until 29th Oct. 1860, which left but 2 months; too short a time to estimate the cost under this head. | | | | 22 3 0 | 120 16 4 | |

Whilst we have this Return before us we shall make some observations upon it, which are beside our present argument. There are nine Reformatories in Ireland, of which six are Roman Catholic and three Protestant, by which we are to understand Episcopalian. The highest rate of expenditure for each inmate was £28 8s 6d per annum, and the lowest £19 9s 5½d. The number of offenders received in all the Reformatories in 1860 was 246, and the total expenditure £7,414 10s 0½d—of this sum parents contributed £140 8s 1d, or less than 2 per cent. And this one per cent. and a fraction represents what Mr. Patrick Joseph Murray calls the “*Great Principle of Parental Responsibility!*” How splendid theories do dwindle down when they come into contact with pounds, shillings, and pence! But we have a more notable illustration of the “great principle of parental responsibility” in the levies made from the parents of juvenile criminals in Liverpool. “In furtherance (says the Head Constable) of the Reformatory Act, a police officer is still entirely employed in carrying out its provisions, and I find that he has, during the past year, served ninety-three summonses, executed ninety warrants, and that £31 9s 6d have been paid into court.”* A magnificent sum, truly, as the result of ninety-three summonses and ninety warrants, with the “entire” time of a public-officer at £60 a year! But no sacrifice ought to be considered too great with a view to carry out by summonses and warrants the “great principle” which used to be made the key-stone of the Reformatory argument. We do not see that, in recent demonstrations, this “great principle” has been allowed that front place which it used to occupy. Having served its day, it has probably now retired permanently from public life, and will no more grace the periods of popular philanthropists. Such is the fate of the ladders by which we climb to eminence.

We do not, however, rest our argument simply on the indirect encouragement to crime given by the present Irish Reformatory system. We have shown that the superior advantages it accords to criminals over those which are available for paupers and honest labourers’ families, cannot have any other effect than to encourage crime. If a manifest boon can only be obtained through an act of transient immorality, a conscience, not over-scrupulous, will take the boon on the terms. Some will think that “the end justifies the means;” and that a misdemeanour may well be winked at for the sake of getting a child five years at a boarding school, (prison though it is,) a good trade, and the patronage of the greatest and best men in the country. It is hard to see a child starving in honesty, when the stealing of a mother’s shoes or a father’s hat will make that child an object of the intensest interest to the whole community. These are no idle speculations. On the contrary, they have found abundant realization in facts. The records of ju-

* Pamphlet on the “CASE OF ROBERT STEPHENSON.” P. 36.

venile crime during the last two years shew that crime has been committed, and that charges have been preferred, for no other purpose than to secure admission into Reformatory Schools. And why not? Here is a picture of what honest labor has sometimes to endure—a picture drawn from life by Lord Brougham, in the House of Lords, on the evening of February 27, 1860. Lord Brougham on that occasion said—"It was stated that children of seven and eight years of age were kept eighteen hours at work, and sometimes three or four nights without sleep; that they fell asleep at their work, and could only be kept awake by violent means; and that they suffered besides from excoriations in their limbs, which were frightful to read and too painful to recite."*

To escape such burning hardships is it any wonder that a Reformatory should be sought as an honorable and peaceful refuge? In illustration of our position we lay before our readers a few cases, taken at random, from a mass of similar criminal incidents. We call special attention to the fact that in these cases the parties charging the prisoners and seeking conviction were *interested* individuals—persons who were the natural guardians of the criminals, and who had their welfare at heart—either *relations* or *friends*. It is necessary to keep this feature of the case in view, in order to estimate the full value of these notable illustrations of our position.

CASE 1.—"P. C., a lad of about 12 years of age was brought up in custody, charged with stealing a coat, the property of his BROTHER. He *pleaded guilty* [of course he did] and was sentenced to fourteen days' imprisonment, at the expiration of which time he is to be sent to a Reformatory for *three years*."—*Daily Express*, 14th January, 1860.

CASE 2.—"C. C., a boy, 12 years of age, was charged with stealing two shawls and a piece of cotton print, the property of his MOTHER. He was sent to a Reformatory for *three years*."—*Bristol Observer*, 7th January, 1860.

CASE 3.—"A girl named A. B. was brought up in custody of one of the police of the B division, charged by her MOTHER with having absconded from the house of the complainant on the 5th instant, and stealing a cloth cape and shirt, &c. The presiding magistrate sentenced the accused to be imprisoned fourteen days, and then to be sent to a Reformatory for *four years*."—*Evening Freeman*, 12th December, 1859.

CASE 4.—"J. H. was sentenced to two months' imprisonment. She WISHED to be sent to a Reformatory, but his Worship told her she was too old for that."—*Fermanagh Reporter*, July 4th, 1861.

CASE 5.—"N. M., who seemed to be twenty or more, ASKED to be sent to a Reformatory. His lordship said he would gladly comply with her REQUEST could he believe her assertion that she was under sixteen; but he could not believe it, and would send her to prison for six months."—*Ibid.*

CASE 6.—"N. K., a boy of about 11 years of age, was charged by W. D. with stealing some fruit from his greenhouse. * * * He was sentenced to fourteen days' imprisonment, and *four years* at Glencree. W. D. remarked that it was WITH THE OBJECT OF HAVING HIM SENT THERE THAT HE CHARGED HIM!"—*Freeman*, 11th July, 1860.

CASE 7.—"P. K., a boy about six or seven years old (!) was charged by his FATHER with stealing his coat, and selling it for 5d to a woman named D. He was sentenced to fourteen days' imprisonment and *five years* in a Reformatory."—*Dublin Morning News*, October 9, 1860.

* Parliamentary Debates.

CASE 8.—“On Saturday, J. P., aged fourteen, was charged with stealing, during the last eight months, 13s from his GRANDFATHER. The complainant stated that all his efforts to reclaim the prisoner, who was a most incorrigible boy, had failed. He was sentenced to be imprisoned for fourteen days, and to be confined in a Reformatory for *five years*.”—*Saunders*, 21st January, 1861.

CASE 9.—“J. S. was indicted for an attempt to steal a pocket handkerchief from the pocket of a gentleman. The prisoner, who was convicted, REQUESTED to be sent to a Reformatory.”—*Saunders*, 8th February, 1861.

CASE 10.—“A boy named T. was charged with the illegal possession of 6d worth of potatoes. A person in court remarked that the boy belonged to POOR PARENTS, who were unable to give him a trade. Mr. O'Donnell—I will give him the MEANS OF LEARNING A TRADE by sending him *five years* to a Reformatory.”—*Freeman's Journal*, October 9, 1860.

CASE 11.—“W. C. was brought up in custody, charged by his MOTHER with having stolen, on the 17th instant, a shawl, her property, from her house. The prisoner was sentenced to be imprisoned for three weeks, and, on the expiration of that period, to be sent to a Reformatory for *five years*.”—*Daily Express*, March 25, 1861.

CASE 12.—“Detective Haycock stated that, on the previous day, the prisoner (a boy about 15 years of age) came to the Central Police Office, and ON HIS OWN CONFESSION, gave himself up on a charge of burglary. When asked by Mr. Raffles what he had to say in answer to the charge, the prisoner replied—‘I DID IT, SIR, WITH THE INTENTION OF GETTING FIVE YEARS IN A REFORMATORY.’”—*Liverpool Courier*, March 16, 1861.

Such are a few illustrations of the demoralizing tendencies of Reformatories. Parents, friends and others, seeing the bright side of these establishments—which is the side commonly exhibited in platform speeches and judicial charges—are sorely tempted to get troublesome children foisted within their walls. What, though there may be irresponsible power exercised over the inmates, what unnatural parent would be frightened by such a trifle as this, when the word of some of the best men in the community is publicly pledged that these Schools are the centres of all charity? The possible abuses inside do not strike the attention of the masses outside. To them all is fair and fascinating, until some bereaved parent (like the mother of Robert Stephenson) begins to realize the stern truth that a Reformatory is but a penal settlement after all, and that a five years' servitude is something more than the ends of justice require. Again we repeat Lord Stanley's golden rule for Reformatories and Industrial establishments: “Let it be known that there are at an Industrial School no advantages, whether in the way of present indulgence or teaching, or future prospects, which *are not equally in the power of any honest working man to obtain for his children*.” That rule is wantonly violated in the Reformatories of Ireland, and the violation is disastrous to morals. We have seen a denial of the statement that Irish Reformatories violate Lord Stanley's rule; but a denial is not proof. We suppose, however, by the rules of logic the proof devolves upon ourselves, and we are happy that it is so, for we have it at hand. They must, says Lord Stanley, present “no advantages which are not equally in the power of any honest working man to obtain for his children.” Now in one of the cases given above it was testified by a person in

court that the youthful prisoner belonged to *poor parents who were unable to give him a trade*; whereupon the magistrate rejoined—“*I will give him the means of learning a trade by sending him 5 years to a Reformatory.*” Was not this holding out an advantage which his parents could not afford? But perhaps it will be pleaded that the parents were thriftless, and that their inability arose from some fault of their own. Of that there is not one particle of evidence. The only cause of inability with which we have to deal was their poverty, and we have no right to assume that they were dishonest, or thriftless. The father may have been earning his shilling a day, and struggling upon that to feed his family. Little wonder that he could not afford to give his son a trade. But the magistrate promised him a trade which his honest parents could not give him. That trade was to be the reward of his crime. When other “poor parents” read the report of that trial and its result in the newspapers, would it not, as Lord Stanley says, excite a feeling of “envy and jealousy” in their bosom, or perhaps, worse still, act as an inducement to them to put their children in the way of acquiring a profitable and respectable trade, even at the risk of the gaol “preliminary” of one fortnight? We are expressing more than a conjecture when we say that for one criminal reformed in this way, two will be manufactured, and thus, by geometrical progression, the social leprosy will spread until the morality of the masses shall have been victimized by its own patrons, and the self-reliance of the poor of Ireland absolutely choked in the surging waters of charity.

Such then are the demoralizing tendencies of the present Reformatory System upon those who are *without*. But our argument would not be complete unless we took a glance through the gates and saw a little of what is transpiring *within*. We know indeed but a small “part of their ways.” Now and then, however, reports are wafted to us over their walls. The Irish system has not been a sufficient length of time in operation to develop fully its character, or to enable us to judge of its reforming powers upon those whom the law has handed over to its influence; though, indeed, if the newspapers speak the truth, some ugly cases have occurred even in the brief lifetime of Irish Reformatories. When one considers the jealous care with which managers have selected inmates—rejecting really bad applicants—spurning such as had been guilty of “aggravated crime”—giving paternal welcome only to those who had some slight certificate of respectability, in order to preserve the “select” character of the establishments—one is not prepared to hear of boys who had gone in as tolerable criminals coming out intolerable criminals; one is disappointed to find Reformatory pupils figuring in the “Hue and Cry,” the managers of the Schools from which they have eloped taking this method of proclaiming to the world their own Reformatory impotence. Whence these disappointments? Whence this failure? Is the instruction given of a vicious character?

"There's the rub." We invite the attention of our readers to a curious chapter in the history of an Irish Reformatory, which illustrates, as by a pen of light, the morality which is taught within its walls. We suppose it will be admitted that the morals of the pupils are not expected to rise above the morals of their masters, and that as is the purity of the fountain so will be the purity of the stream. We shall have occasion to refer again to this memorable case for another purpose; but meantime, we have to do with it for the sake of its *moral* lessons.

A boy, named Hawthorne, had been (as it afterwards appeared) illegally committed to the Glencree Reformatory. His parents were naturally anxious to have the illegal sentence cancelled, and their son restored to liberty. The news of their desire for their son's liberation soon reached the holy cloisters of St. Kevin's. The aid of a miracle alone could now turn the tide in favor of Glencree, and soon the miraculous machinery is at work. Though William Hawthorne entered the consecrated precincts of St. Kevin's unable to write his name, a neglected boy, and no master of the language of England, yet under the almighty spell of the patron saint, the following letter—as miraculous in its facts as in the beauty of its style—was produced:

"St. Kevin's Reformatory, Glencree, County Wicklow,
"February 1st, 1861.

"MY DEAR MOTHER—I seize the earliest opportunity of addressing a few lines to you, in order to inform you of my whereabouts, and of the kind of place I am in; of the privileges and many advantages which are held out to the boys who are well disposed to be good; and of everything in connexion with it, as far as I shall be enabled to do, on account of the short time I have been here. Perhaps by next time I write I shall be able to send you more information respecting this Reformatory.

"Now, to begin, we have 109 boys, exclusive of all the staff and officers. We have a capital school, a beautiful chapel, and hear mass every day; also a fine band for our amusement and recreation. Occasionally we take a walk to some neighbouring village, accompanied by the band. Every boy here who may have a desire for any trade that he may at present or hereafter choose for himself, is taught him; in fact, everything that can possibly be done, both for our temporal and spiritual welfare and well-being, is most strictly attended to.

"This is nothing short of a home for us; we have everything granted to us that is requisite and necessary—plenty of open air, exercise, and recreation. I have heard of what you have been doing, but I can only say, in the midst of my grief, that the day I leave here will go nigh breaking my heart; for I shall be sent to a Protestant Reformatory in Dublin, which is totally against my wish or inclination.

"I have no more to say at present, but I hope to hear from you soon. Accept my kind love, and believe me to be your affectionate son,

"WILLIAM HAWTHORNE."

But that the miracle might be complete, and that no doubt might remain in any mind as to the paradisaic blessedness of the inmates of Glencree, the boy transmits a letter to his father, wherein he displays a degree of legal knowledge that would have entitled him to a stipendiary magistracy on the spot:

"St. Kevin's Reformatory, Glencree, Enniskerry,
"County Wicklow.

"MY DEAR FATHER—I have just received your kind and affectionate letter, which has touched my heart, and made me bitterly regret that I ever did anything

to grieve you. When I wrote to you my last letter, I was positively assured that a representation had been made to the Lord Lieutenant to the effect, that you had objected to my being sent to a Catholic Reformatory, and that, consequently, I was to be transferred to the Protestant Reformatory in Dublin. Now, my dear father, you know that I am not a Protestant, and that if I were sent to an institution where I could not practice the duties of my own religion, I should be broken-hearted. As for my being sent home to you, there is not the slightest chance of such a thing, for the Lord Lieutenant would never do it.

"Now, my dear father, if you wish to do me good, as I know you do, write a few lines to Mr. Tracy, the magistrate, and tell him that you are quite willing (if I must be in a Reformatory) to have me left where I am. If you do this, it will settle the matter at once, for I cannot be transferred to any other unless you state that you will have me brought up a Protestant.

"Do this immediately, for I may be moved any day, and I am told orders to that effect have already been given. I am very well here; I am taught everything, and treated very kindly; I am just as if I were in a good boarding-school. But if I am taken away and sent to another, I shall be broken-hearted. Give my love to my dear mother, and to Mary Anne, and David, and tell them not fret for me. I am going to learn a trade; and even now I can earn a shilling a-week by working. I go to school morning and evening, and hear mass every morning. No more at present, my dear, dear father, from your affectionate son,

"WILLIAM HAWTHORNE."

We might enjoy a joke at this bare-faced absurdity were it not for the serious issues that are at stake. It is, after all, no joking business. Explanations have been attempted with a view to account for these literary productions, without in any way compromising the honour of the managers of the institution. We impeach no one; but yet we are not bound to believe that a boy, fresh from the "Menagerie" in "Anderson's row," had all at once acquired such a knowledge of the English language as to "dictate" these letters, or such an acquaintance with British law as to "dictate" to the Resident Magistrate of Belfast; and whilst, with the honorary secretary of the institution, we "deplore" the existence of such epistles, we cannot but maintain that there was a glaring error of judgment somewhere. The intentions of all parties concerned may have been most praiseworthy, but the verdict of the country is, that they were unfortunate in the mode they adopted to advance the cause they had really at heart. But we shall allow Lord Claud Hamilton to be the eloquent exponent of the nation's mind on this strange correspondence. Referring to it in the House of Commons, after relating the circumstances connected with the illegal committal, his lordship said—"The lad was not a very good scholar, barely, if at all, able to write, and who could only express himself in the most ordinary way. Three days after his admission, the mother received a letter from him, and shortly after the father received another. Owing to the prompt intervention of the right hon. gentleman the Chief Secretary for Ireland, the lad was very properly sent home to his parents, *when he informed them he had never written any letter to either father or mother*; all he knew was that one of the gentlemen connected with the Reformatory read something to him *which he did not understand*, but he neither wrote himself, nor did he express any of the wishes which those letters contained. This alone showed

that something was going on within the walls of that Reformatory which called for the most searching inquiry. He knew nothing of the author of these documents; but, on authority which he believed to be correct, the *schoolmaster* of the *Reformatory* (!) was supposed to be the writer of them. The case had created great disgust in Ireland, and unless effective steps were taken to check such practices, the suspicions which existed when Reformatories were first established would be greatly strengthened and increased." *

Lord Claud Hamilton did no more than express the feelings of the country when he said "the case had created great disgust in Ireland;" but we may go a little farther and tell the legislature that the *system itself* "has created great disgust" in the breast of every man who sets any value upon justice and morality. Had this scandalous procedure taken place in any of the public institutions of the country, the government could have restored confidence in twenty-four hours by the dismissal of the official who was the author of the scandal. But in Reformatory Schools the government itself is powerless. The Chief Secretary could withdraw the license, and break up the establishment; but to rectify an existing abuse, or remove a burning scandal from the School, he is utterly helpless. The country must either accept these institutions, subject to all abuses that may creep in to disgrace them, or else put an end to them. If a Reformatory becomes diseased, the government can *kill* it, but cannot *cure* it: according to the old Scotch proverb, "Neck or naething, for the King lo'os nae cripples." For a Reformatory "crippled" by some "acute" malady, there is no alternative but death. Granted, that the timely interference of the government might save it—might remove the gangrene and restore healthy action, the fatal evil is, that the Act of Parliament permits no such interference. The only choice given is—*either take it with all its moral disease, or withdraw the license and let it die*. Now this is a state of things that must not continue. The government must have such control over these Schools as to be able to dismiss offending officials, and to compel managers, or boards of superintendence, to do their duty. The Chief Secretary will naturally bear with a good deal before he adopts the tremendous alternative of breaking up the whole establishment. It will be a fair question with him whether it would not be better to allow abuses to grow even to a considerable extent, rather than shatter a great institution to pieces. But why should such a question be needed at all? Why not give him the power to *remove abuses* instead of *annihilating the School*? This is what we contend for—more adequate supervision, and responsibility at every step. Give the government complete control over these schools—control in the management, in the education, in the appointment of masters, in the supply of

* Parliamentary Debates. May 17, 1860.

food, in the industrial training, in the rectifying of abuses. Until you do that, the country can have no confidence in them whatever, and (to use the significant words of Lord Claud Hamilton) the suspicions of wise men regarding them will only “strengthen and increase.”

As we have already said, the Irish system is of too recent origin to have fully developed its moral results. What they will probably be, may be inferred from the preceding observations. But a similar system has been in operation in the sister country for a number of years, and a specimen of its actual results we have now before us. Here, therefore, we are happily taken altogether out of the region of conjecture. Mr. Recorder Hill and other promoters of English Reformatories made considerable capital out of the fact, that since the establishment of these Schools in England, crime had rapidly decreased. But, as we have shown that in Ireland crime decreased far more rapidly without them than it has done with them, we suppose that argument is effectually disposed of, and we shall hear no more of it. We are however able to go a little closer to work than merely referring to the decrease of juvenile crime. We contemplate the actual achievements of these schools, in the reformation of their inmates. Let us have done with platform theories and look at facts. And to do justice to our friends in the Reformatory interest, we shall take a favourable specimen—The “Akbar” Reformatory in Liverpool—an institution presided over by some of the most benevolent and largest-hearted men in the British empire. In fact—notwithstanding the untoward circumstances connected with the detention of Robert Stephenson, which roused the indignation of the English public—we believe the Akbar Reformatory to be a model for all similar institutions. The Reformatory system may well be satisfied to stand or fall by such a case as this; for where will it find another institution calculated to shed upon it such a lustre? We shall now allow the *Liverpool Daily Post* to supply our readers with statistics and its own conclusive commentary thereon. And, in passing, we must be allowed to express our opinion, that the *Daily Post* assumed a tone of manly and righteous independence on this question, which is all the more creditable to it, as it must have been extremely unpalatable to many of its patrons. The *Post* says:

“When the Reformatories were first suggested, we thought it our duty to state that the result would disappoint the more sanguine among the benevolent projectors, because all police experience had shown that juvenile offenders were best let alone, sent to sea, or sent out of the country. The history of the *Akbar* gives proof of our opinion. In the last report—a most unsatisfactory one—we find the following passage:—‘During the past year the attempts at desertion have been frequent, and offences of a bad nature more often committed than during any previous year. This Captain Fenwick attributes to the admission of several *bad boys*’

* If they were as wise in their generation as the Glencree committee, they would have nothing to do with “*bad boys*.”

from a distance, who are unusually ignorant and bad, to whom these offences have been entirely confined, and who are completely shunned and avoided by the others.' Now, if all the other boys are so very good, why are they detained in the prison school? If they shun the bad boys, what more is required to secure their transmission to home, the army, or the navy? It would be curious to know where these bad boys come from? Town or country places? What were the ages and offences of these contaminating ruffians? Obviously transportation would be the only course advisable in their cases. * * * The work done, however, does not correspond to the labour and the cost. The Reformatory has now been seven years in existence. The number sent to the Akbar the first six years was 307. These were accounted for as follows on the 31st December, 1859 :—

| | | | |
|------------------------|-----|---------------------------------|----|
| Detained, | 162 | Emigrated,..... | 6 |
| Sent to sea, | 77 | Absconded, | 3 |
| Enlisted, | 19 | Dead,..... | 5 |
| Sent home, | 17 | Sent to other Reformatories, .. | 13 |
| Sent to service, | 4 | Sent to prison, | 1 |

“What a morsel of bread to this intolerable quantity of sack. We beseech those good people who talk so pleasantly about reform to look at this result. Out of 307 committed only 4 have got service! The army and navy have carried off the majority—namely, 96. Why were not these 96 sent to the army and to the sea before committal? The present Assizes indicate a sad condition of some regiments for honesty. Were the accused men ever in Reformatories? Of the discharged since the opening of the Akbar 55 have never been heard of; 44 have been favorable reports; 2 died soon after being sent home; 31 have been bad or doubtful; and 4 have relapsed into crime. This result, assuredly, condemns the scheme of reformation. The girls' Reformatory at Mount Vernon presents even a less favorable result. Eighteen have been discharged; 8 are favorably reported; 3 fairly, and 2 badly reported; while 6 have absconded.”—*Liverpool Daily Post*, December 20, 1860.

These results are truly disappointing. The system undoubtedly could not be worse, and we have some idea its moral effects would put even the Akbar to the blush. We leave the decision to the impartial verdict of the public, confident that they are well able to discriminate between platform theories and historic realities.

CHAP. V.

SECTARIANISM OF IRISH REFORMATORIES.

The Irish Reformatory Act is a reversal of all enlightened legislation for the management of public institutions in this country. Has it been discovered that united education is a bad thing? Is the National System an immoral compromise? Are the Queen's Colleges only fit for reprobation? Are Union Workhouses to be pulled down because they are not sufficiently sectarian and exclusive? These institutions and the Reformatory Schools of Ireland are dead against one another in their constitution, and they cannot both be right. If Union Workhouses, National Schools, Gaols, Queen's Colleges, be right, Reformatories must be wrong; and it is useless to blink the question—these two sets of contradictory institutions cannot exist together in the country. Give us either one or the other; but do

not compel the left hand to undo what the right hand is doing. We have enough of strife in Ireland already without setting up rival national establishments, whose principles are in the most deadly hostility to one another. It is neither seemly nor safe to have sectarian Reformatories carrying on a guerilla warfare against the non-sectarian institutions of the country. The intense sectarianism of these Reformatory Schools may be learned by a glance at the 7th clause of the Act, which provides "that no such offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the *exclusive management of persons of the same religious persuasion* as that professed by the parents or guardians of such juvenile offender," &c.

There seems to be some misapprehension existing as to the meaning of the phrase "religious persuasion" in the Act. There is a Reformatory in operation at Malone, near Belfast, which is licensed as a "Protestant" Reformatory. Now, it must be remembered that in prison and Reformatory Returns, the word *Protestant* always signifies *Episcopalian*. As a proof of this we need merely refer to a sentence in the last report of the Inspector General of Prisons, where he speaks of juvenile offenders at page 23. "According to table No. 22, the *Protestants* in 1860 were 7 per cent. of the total, the *Presbyterians* 2 per cent., and the Roman Catholics 91 per cent." The Malone institution is, therefore, an *Episcopalian* school, and can by law be nothing else. Yet we find names on the Committee of that School that do not represent the Episcopal communion. It is difficult to see the relations they sustain to the establishment. It would appear they are under the impression that the Reformatory Act has reduced the people of Ireland to *two* denominations or persuasions—the *Roman Catholic* and the *Protestant*. We believe nothing so insulting to the religious feeling of Ireland was ever intended by the legislature. We are certain they never meant to fling together into one promiscuous mass, the Episcopalians, Presbyterians, Quakers, Jews, Unitarians, Latter-Day saints, Methodists, Independents, and Baptists, under the one denomination of *Protestant*. We defy the legislature (if even they had intended it, which they never did) to compress all these into one "religious persuasion." The very attempt would be an insult which would not for one day be endured. By "religious persuasion" is meant a *particular creed*, and we should like to know whether the members of committee of the Malone Reformatory have all the same creed? Protestantism is no creed—is no "religious persuasion," unless in the official sense when it means *Episcopalian*. Why, the very reason assigned—at least one reason—for the sectarianism of Reformatories was, lest chaplains teaching rival creeds should come into collision within their walls. It must therefore have been intended that there should be only one creed taught in each Reformatory. What creed is taught in the Malone Reformatory? Who are the members of committee

who waive their denominational rights and sink their creed? The school is *Protestant*—that is, *Episcopalian* (if this be denied, we have proof at hand)—and this puts some of its managers in rather an awkward position. Even then, the anomalous condition of the Malone Reformatory is no proof of the non-sectarianism of the Irish system. Let us now hear Mr. Patrick Joseph Murray's defence of this feature in the system:—

“It may be objected to this section, that it is in direct controversion of the principles of the Irish system of National Education: none admire the system more earnestly than I, and did I consider the objection founded in truth, I would at once oppose the section as being a check upon the progression and full development of the greatest legislative boon ever conferred upon Ireland. But it is not opposed to it. By the National system religion is made the companion of literature and science; it is combined with the system, so that those who have never fallen into crime may learn that the avoidance of crime and the love of virtue are the greatest duties of life; but in the Reformatory School all have fallen into crime, and most require to be taught what virtue is.”

Now it is here admitted that the National system is sufficient for the *preservation* of virtue. If so, we hold it to be also sufficient for the *inculcation* of virtue. To say that it may *preserve* morality, but is not calculated to *produce* morality, is a discovery in moral philosophy for which Mr. Murray ought to get a premium. This theory of ethics must surely have been extemporized to meet a pressing case, for he could hardly have learned it in the course of his ethical studies. Let us try how the principle would work in practice.

Take a boy of twelve years of age, of a covetous disposition. He is being trained under a system of United Education, and the highest motives of honesty are brought to bear upon his mind. “Religion has been made the companion of literature and science,” and this mode of training is effective so far, that the boy “may learn that the avoidance of crime and the love of virtue are the greatest duties of life.” The boy leaves the school, falls among bad companions, and eventually, forgetful of the lessons which had such beautiful adaptation to his case, commits the crime of theft, and is convicted. But now he must needs be plied with new arguments. The old system of combining religion with literature and science will not do. And why not? Have you found out any new commandments, any new precepts of God's Word that were never revealed before? Have you a new set of motives in Reformatory Schools? Or, what do you mean? Had you one set of spiritual laws for preventing crime, and have you another set for curing crime? Have you a more powerful machinery at work in Reformatory Schools than you had in the National Schools? Then, if so, the sooner you get that powerful machinery set agoing in National Schools the better; for you need never be afraid of making boys too moral. They have their evil and corrupt heart as much in the National School and in the Union Workhouse, as they have in the Reformatory

School: and it is perfect trifling to talk about the necessity of different principles of education in the two cases. Do you mean to tell us that less religion is needed by a Union Workhouse inmate than is needed by a Reformatory inmate? Mere infinitesimal doses of religion are enough for ordinary institutions, but anything less than cramming *ad nauseam* would be of no use in a Reformatory! You must know that when a boy has once stolen a penny bottle, nothing will reform him but the most unmitigated sectarianism. Before he stole that penny bottle, it would have been fatal to nurture him in a bitter sectarian spirit; he must associate with boys of other creeds, and get bigotry gradually filtered out of him; that is the only way to deal with boys who are not actual criminals. But, let the brand of one solitary crime be set upon him—that instant he must be shut out from all intercourse with those who would liberalize his sentiments. He must now be manufactured into a sectarian bigot. He must be shut up where not one ray of Christian liberality shall be allowed to fall upon him, and where all his ideas will be moulded in that narrow bigotry which the government in other days tried to discountenance, and which, they said, was the curse and scandal of our land!

With these views we have no sympathy, because they have no countenance from right reason. The system that is good to preserve morals must be good to produce morals. It is vain to tell us that religion cannot be inculcated in institutions where all are not of the same creed. No difficulty has been found in gaols, in Union Workhouses, or in the army itself. No special case can be made out for Reformatories. The collision of hostile creeds is not to be feared; but rather is it to be feared that, if the present denominational system be persevered in, jealousies will be fostered that will be satisfied with nothing less than a sweeping away, root and branch, of these establishments from the land. It is not yet too late to redeem the credit of British legislation, by striking a blow at sectarian bigotry, and giving further extension to those enlightened principles of education which have been endorsed by parliament, and by the successes of thirty years. “Surely in vain the net is spread in the sight of any bird;” and surely no special pleading will avail to beguile the vigilance of the nation into a reversal of its own wise decisions, or induce it to give its permanent sanction to a system which has brought discredit upon us already, and which, however pure and upright the aims of its promoters, will eventually cast its withering influence over the noblest institutions of our country. In one word, we pronounce it to be a libel upon United Education, to say that it is unfitted to grapple with crime.

CHAP. VI.

PROSELYTISM.

We believe the authors of the Reformatory Act never dreamed that it would be used as an engine of Proselytism. They are too well known for integrity to be accused of stooping to such meanness. We have canvassed very freely, and with becoming coolness, their avowed opinions and their developed plans; but that they were actuated by any motive save the lasting good of their country, we have never either hinted or suspected. And probably they have been more pained than any men in the nation on discovering to what unworthy uses their favourite system has been turned. Their charity, however, was much more creditable to their heart than their judgment, if they supposed that religious parties in Ireland had become so catholic and liberal that they could resist the most tempting facilities for the acquisition of proselytes. The Reformatory Act has afforded such facilities, and religious zeal has not been able to resist them. To what extent proselytism may be carried under the Act it is not easy to say; but one thing is clear, that it shall neither be the fault of the system nor of those who zealously work it, if it do not result in one of the most luxuriant harvests of proselytes that have ever been reaped in Ireland. The promises already given in this direction are such as to cheer the heart of bigotry and to make propagandists triumph. It is perfectly astonishing that the legislature could tolerate for six months together the operation of an Act of Parliament which finds its natural outlet in proceedings such as we have now to relate, and which are surely without a parallel in the administration of Irish affairs.

We take the first case from a police report in the *Belfast Northern Whig* of December 29, 1859. It is headed—

“ANDERSON’S ROW”—JUVENILE DEPRAVITY.

“William Hawthorne, aged 13; Nancy Crawford, aged 12; and Teresa Cushnahan, aged 10, all from the ‘Menagerie,’ Anderson’s row, were charged with stealing two webs of cloth, from the shop-door of Messrs. Wilson and Woods, woollendrapers, High street. The charges were sustained in evidence.

“Mr. Tracy—Have these children ever been here before?

“Mr. Lindsay—Hawthorne was never here, Crawford was cautioned once, and Cushnahan was fourteen days in jail for stealing.

“Mr. Tracy—Where do they belong to—where do they live?

“Inspector M’Kittrick—In the ‘Menagerie’—the whole of them.

“Mr. Tracy—What a den of infamy that ‘Menagerie’ must be! If the whole party could be smoked out it would be a great service.

“In one house there are about forty rooms, and about sixty inmates!

“Mr. Tracy (to prisoners)—I am told you live in a horrible place called the ‘Menagerie.’ You appear not to be known here, Hawthorne. How long have you lived there?

“Hawthorne—About two months; since I left school.

“Mr. Tracy sent for the parents of the prisoners.

“Cushnahan’s father, a decent-looking man, having come into court,

“Mr. Tracy asked—How long has your daughter been away from you? About

two months. She was such a bad little girl that I had to lock her up in the house. She broke the lock off the door, and I have not seen her since.

"Did you know the kind of a place she went to? I did not; but I heard that two or three girls had captured her away to "Anderson's row."

"Is she an obedient girl? No, indeed, sir; she is only 10 years of age, and she won't stop with me. I can do nothing with her.

"Mr. Tracy—Ten years of age, and living such a life!

"Mr. Dunville—We will take her from that abominable place and send her to a Reformatory school.

"Father—Thank you, sir.

"Daughter—He gives me tongue, and could'nt live with him. I can do what I like now.

"Mr. Tracy—And you think it a serious offence for a father to speak to a wicked little girl like you.

"Hawthorne's mother, a very decent looking woman, next came forward.

"Mr. Tracy—What have you to say about this son of your's? I have to say that he is a child of honest parents, and always was of good repute until he fell into bad company.

"What has been his conduct lately? He was in Mr. Hall's, and was sent to deliver a parcel, for which he got 18s, and fell in with bad people on the way, and spent the money, and went to this place, and never came home since.

"Then you have lost all control over him? Indeed I have, and all within a few weeks. He stole away from Brown-square school, and took up with bad characters.

"You are a Protestant, I presume? Yes, sir, and so is he.

"Prisoner—No, she's not. I am a Roman Catholic.

"Mother—He is not, your Worship, nor never was; he only wants away.

"Prisoner—Don't you know I was christened by Mr. Conway.

"Mother—He was baptized in Maghera Church. He only wants away, sir.

"Mr. Tracy—I don't know what denomination he is; but he must be a bad Christian, looking at the place he has lived in. I think it will be a mercy for you to have him released from this vile, ruffianly den of all that is abominable. There must be some way tried to have that place cleared out or shut up.

"Prisoner—Do with me what you like.

"The mother of Nancy Crawford then came forward.

"Mr. Tracy—Are you the mother of this girl? Yes, your Worship; she's 12 or 13 years of age.

"How did she come to live in this place that has been mentioned? She never was out of my house until lately.

"Daughter (looking disdainfully)—Don't be grinning your face, now. I'm as bad as I can be. I have been in Anderson's row this month.

"Mother—God look on me! You were reared decent.

"What religion are you? I am a Presbyterian, and so is she.

"Prisoner—Your father was a Roman Catholic, and you made me go to Church. You had a great deal to do to come here. I can't be worse than I am.

"Mr. Dunville—It will be a great mercy to both parents and children to send these young people away to a Reformatory school. That Anderson's row must be a terrible place.

"Mr. Tracy (to prisoners)—I hope when next you have your liberty a reformation will have been wrought upon you. You are each to be imprisoned one month; and, at the end of that period, you are each to be confined five years in a Reformatory school."

We have to deal here only with the cases of Hawthorne and Crawford, and in reference to them the following facts are to be noted:—William Hawthorne and Nancy Crawford, respectively Episcopalian and Presbyterian as to their "religious persuasion," had been entrapped into an infamous den, called the "Menagerie," in Belfast. During their residence in this wretched place they were, as a matter of course, led into the crimes of their vile associates, and, being brought up at the Belfast Police Court before

Mr. Tracy, R.M., and Mr. Dunville, J.P., were convicted of larceny. It was Hawthorne's first appearance at a criminal court, and Crawford had once before received a "caution." They were very properly sentenced to a period of imprisonment, and at the end of this gaol-incarceration they were further to be sent to a *Roman Catholic* Reformatory for five years. Why to a Roman Catholic Reformatory? The juvenile culprits stated to the magistrates that they were Roman Catholics, but their statements were contradicted on the spot by their parents, whilst Hawthorne's mother actually named the very church in which her son had been baptized. It may be a curious and suggestive question—Why did these young criminals make choice of the Roman Catholic religion? Had they been under any proselytizing influence? Had they ever heard of the charms of certain Reformatories? The motives that prompted these children to misrepresent their faith will probably remain a mystery as profound as that of the motives which prompted the magistrates to accept their statements in preference to the statements of their parents. The criminal child said one thing—the honest parent said another. The criminal child was believed, and the honest parent was discredited. Do we, then, condemn the conduct of the magistrates? We do nothing of the kind. We have nothing to do with the conduct of individual magistrates. If it were a question affecting the competency of a magistrate, it would have no bearing upon our present argument. We deal with no smaller game than the Act itself, and it has been alleged that the Act shielded the strange proceedings of the Belfast justices. We acquit the magistrates, because we condemn the Act. To be sure, our own reading of the seventh section of the Act is, that a magistrate is shut up, in his decision, by the profession of the parents, and that it is only in cases where the religion of the parents is unknown and the baptismal register undiscoverable, that the choice of the young criminal is decisive. Such is our reading of the clause; but being uninitiated in the mysteries of modern legislation, we must be content to bow before the wisdom of our betters. Happily, in the present case, it suits our argument to submit; for, if the magistrates were right in the case of Hawthorne and Crawford, the Act itself must bear the guilt of the attempted proselytism.

Well, the magisterial fiat having gone forth, Hawthorne, the Episcopalian boy, was marched off to the Roman Catholic Reformatory at Glencree, county Wicklow, where he took up his quarters on the 27th January, 1860. Prior to his arrival at St. Kevin's, (that is to say, during the term of the boy's imprisonment at Belfast,) Mr. P. J. Murray, hon. secretary of the Glencree Committee, sympathizing with the indignant protests of the Belfast and Derry press, remonstrated with the presiding magistrate upon his interpretation of the law. We shall allow Mr. Murray to explain his

own conduct in the affair, wherein he figures much more honourably than some others who had a hand in that wretched business.

“TO THE EDITOR OF ‘SAUNDERS’ NEWS-LETTER.’

“Glencree Reformatory Committee Rooms,
“20, Lower Ormond Quay, Feb. 17, 1860.

“SIR—Some deeply respected Protestant friends have brought under my notice, as honorary secretary of this committee, an article printed in *Saunders’ News-Letter* of last Wednesday. From the tone of that article it is evident the writer assumes that this committee, or the managers at Glencree, were desirous to retain the custody of Hawthorne. This, however, is not the fact, as I officially and most emphatically refused, on the part of the committee, to receive the boy; and this refusal, with my reasons, as founded upon the Irish Reformatory Schools Act, were brought fully before the convicting justice—himself a Protestant—and I therefore believed the matter to be fully at rest. I visited the Reformatory on Saturday, January 28th, and, to my great astonishment, and, I may add, vexation, found that Hawthorne had been sent up from Belfast, and received on January the 27th. I reached town at too late an hour to take any steps in the matter, but by half-past ten o’clock on Monday morning, January the 30th, a letter from me, on the part of this committee, was delivered at the Chief Secretary’s office, by special messenger, requesting that he would have the boy removed, under the 20th section of the Act, to the Protestant Reformatory. I received a reply to this letter, dated February the 7th, in which I was directed by the Chief Secretary to have the boy discharged. We did not, however, believe it could have been intended to direct us to discharge, on the top of Wicklow mountains, a boy from Belfast, and I accordingly wrote to the Acting Inspector of Reformatories for advice. There was some delay in the reply, and wishing to obey the order of the Chief Secretary, we sent the boy, at our own expense, and accompanied by a special officer, to Belfast, where he was delivered into the custody of his father.

(Signed,)

“P. J. MURRAY,
“Hon. Sec. St. Kevin’s Reformatory Committee.”

In reference to this letter, the following questions suggest themselves:—1. Is it not the fact that a Reformatory Committee has the right to refuse admission to any juvenile delinquent? 2. Has not the Glencree Committee again and again refused admission to culprits who had been assigned to them by magistrates? 3. Why was their “official” and “emphatic” refusal over-ridden in the case of Hawthorne? Mr. Murray told the committing justice that Hawthorne would not be taken at Glencree, and yet Hawthorne *was* taken at Glencree. 4. Had the magistrate any special power to compel the recusant committee to receive Hawthorne, despite the “official emphasis” of the refusal to have him? 5. The magistrate having despised the refusal, and having sent the boy notwithstanding, why did the managers at Glencree take him in, their own committee being emphatically opposed to his reception? The committee at Lower Ormond Quay say—“We shall have nothing to do with him.” The resident managers at Glencree say—“We have room enough for him, bring him in.” It is a pity to find the “Ormond Quay” committee and the resident managers playing “hide and seek” in this style; the one either ignorant of the other’s movements, or else the one despising the other. Mr. Murray, however, arrived at Glencree just *one day too late*, and was naturally

smitten with "astonishment and vexation" to find the boy there, whilst the Hon. Secretary had, by all parties concerned, been practically voted a cipher, and his "official emphasis" a nullity. Despised by the magistrate in Belfast, and ignored by his own servants at St. Kevin's, the temper of the most placid secretary would have been tried. But the most humiliating feature of the Secretary's case was, that his "vexation" did not meet with universal sympathy within the walls of Glencree. Exactly three days after, the celebrated letter was written by William Hawthorne to his mother, extolling, in very correct and appropriate language, the glories of the place! This letter we have already furnished to our readers. In the course of a few days the boy wrote another epistle, addressed to his father, telling him that the Glencree Reformatory was just like "a good boarding-school." How the poor boy, Hawthorne, who, it is alleged, "dictated" these letters, knew so much about "boarding-school" advantages, is one of the mysteries of the case. In the question of authenticity, that allusion would not be without its significance. When these letters were made public, they produced almost as profound a sensation as any that ever emanated from the pen of Junius. Mr. Murray himself was aroused, and, as we learn from the *Banner of Ulster* of March 17, 1860, he wrote to that paper an explanatory letter, in the course of which he says—"I deplore the fact that such letters should be issued from Glencree. I wrote demanding information, and I learned from the Rev. Director that the letters had been written at Hawthorne's request, by one of the assistants. I learned, also, that the letters contained not one single sentiment undictated by Hawthorne himself—the language is not his, of course, but all was read to him." It is curious to find these letters *deplored* and *defended* in almost the same breath. If they were dictated by Hawthorne, and if they contain true statements, why "deplore" them at all? Surely the "assistant" was not going to state untruths, even at the dictation of the young proselyte. Is it true, or is it not, that the Glencree Reformatory is what Hawthorne describes it? If it be true, then we object to all such "boarding-schools" for young criminals. If it be not true, that would put the "assistant" who penned the letter in a position far from creditable.

But all this tremendous agitation within the cloisters of Glencree may be traced to what had been, and was still, transpiring in Belfast. Hawthorne says in his first letter—"I have heard of what you have been doing." And what had they been doing? Why, first of all, a certificate of young Hawthorne's baptism had been obtained from the Rev. Mr. Duffin, rector of the parish of Maghera, county Down, and this certificate settled the question of religion. In the second place, "immediately after this authentic evidence had been brought to light, Mr. Lavery, (who had obtained the certificate,) the efficient Sanitary Inspector of the Belfast Town Coun-

cil, urged a number of the influential clergymen and laymen of the town to prepare a memorial to the Lord Lieutenant, praying his Excellency to exercise his clemency in behalf of the boy, and to order his immediate liberation from prison. The following is a copy of the memorial :—

“ TO HIS EXCELLENCY THE EARL OF CARLISLE, LORD LIEUTENANT OF IRELAND, ETC.

“ We, the undersigned, respectfully request the exercise of your Excellency’s clemency on behalf of William Hawthorne, aged 15 years, who, with two others, was convicted of theft before W. Tracy, Esq., R.M., and William Dunville, Esq., J.P., in the Police Court, Belfast, on the 27th Dec., 1859, and was sentenced to one month’s imprisonment in the county gaol, and at the end of that time to be sent five years to a Reformatory.

“ The above was the first offence for which Hawthorne was ever brought up before the Police Court, and in this case was the victim of two bad companions by whom he has been but very lately seduced.

“ His father and mother are both alive, and the former is an honest, industrious, and decent man, in the employment for some years of Thomas Sinclair, Esq., J.P., who joins in this memorial. His month is now up, and we hope that, if pardoned by your Excellency, this, his first imprisonment, will exercise a wholesome restraint for the future, and that he will return to his parents a wiser and a better boy.

“ Belfast, 25th January, 1860.

(Signed,)

“ T. F. MILLER, D.D., Vicar of Belfast.

“ T. SINCLAIR, J.P.

“ LINDSAY, BROTHERS.

“ WM. EWART & SON.

“ MARCUS WARD & Co.

“ JAMES CRAWFORD.

“ ROBERT ROAG.

“ W. BOTTOMLEY.

“ JAMES GIRDWOOD.

“ JOHN EDGAR, D.D.

“ GORDON THOMSON.

“ W. CARSON & SON.

“ DAVID TAYLOR.

“ A. J. MACRORY.

“ JOHN CHARTERS.

“ JAMES MORGAN, D.D.

“ H. COOKE, D.D., LL.D.”*

“ GEORGE C. HYNDMAN.

Some delay occurred in the transmission of this memorial, and meantime the boy reached Glencree, became enamoured of the place, wrote to his mother and father that he would be “ broken-hearted ” if removed from that blissful abode, expounded to his father the provisions of the Reformatory Act in a manner that would have astonished Mr. Tracy himself, and, in short, displayed an amount of literary and legal talent that awakened the attention of the British House of Commons. It was, after all, but a forlorn hope. “ The prey was to be taken from the mighty, and the lawful captive delivered.” Mr. Murray’s vexation was “ officially ” reported at the Castle, the Belfast memorial had reached his Excellency, the bubble of proselytism burst, and the following letter was duly received by Mr. John Hawthorne :—

“ St. Kevin’s Reformatory, Glencree, Enniskerry,
County Wicklow, Feb. 10th, 1860.

“ SIR—By order of the Chief Secretary for Ireland, your son, William Hawthorne, sentenced some weeks ago to be detained in this Reformatory School for a

* *Banner of Ulster*, February 14, 1860.

period of five years, is to be liberated and transmitted to Belfast. You may expect him on Monday next, the 13th instant, as it will be impossible to send him before that date.—I am, Sir, your obedient servant,

(Signed,)

“FRANCIS J. LYNCH,
“O.M. and Director of St. Kevin’s Reformatory.

“Mr. John Hawthorne.”*

On the following Tuesday the boy reached his parents, “when (to use the language of Lord Claud Hamilton) he informed them he had never written any letter to either father or mother; all he knew was that one of the gentlemen connected with the Reformatory read something to him which he did not understand, but he neither wrote himself, nor did he express any of the wishes which those letters contained.”†

There is just one party to this wretched affair that can expect no verdict of acquittal at our hands, and that party is—the REFORMATORY SCHOOL ACT FOR IRELAND.

All this time, what had become of the Presbyterian culprit, NANCY CRAWFORD? Her mother, it will be remembered, when asked by the magistrate—“What religion are you?” replied, “*I am a Presbyterian, and so is she.*”‡ The girl herself, however, insisted on her connexion with the Roman Catholic Church, and (doubtless for reasons satisfactory to themselves) the magistrates believed the girl, perhaps having a theory that a child who breaks the eighth commandment is by no means likely to break the ninth. Or, having found the girl guilty of breaking the eighth, it was little enough that they should find the mother guilty of breaking the ninth. So they divided the guilt between the two; and Nancy Crawford was sentenced to imprisonment in a Roman Catholic Reformatory. The history of the case may be best learned from the newspapers of the day. It opens with a letter from the Rev. John Macnaughtan, of Belfast.

“TO THE EDITOR OF THE ‘BANNER OF ULSTER.’

“DEAR SIR—I am glad to observe that the illegal condemnation of the (Episcopalian) boy Hawthorne to a Romish Reformatory has been cancelled, and the abuse of magisterial power corrected.

“Will you, or any of your readers, inform me what has been done with the (Presbyterian) girl who, on the same day, and for the same offence, was, in the face of her parent’s testimony, dealt with as a Romanist, and consigned to the Monks of St. Kevin? If she has been sent there,|| it is time that steps were taken to enforce the provisions of the Act of Parliament. Is there to be no movement in the Legislature for the repeal or amendment of the obnoxious and costly enactment out of which these errors have arisen?—Yours, truly,

(Signed,)

“JOHN MACNAUGHTAN.

“Belfast, February 17, 1860.”

* *Banner of Ulster*, February 14, 1860.

† Parliamentary Debates, in *Times* of May 18, 1860.

‡ *Northern Whig*, December 29, 1859.

|| Glenree was only for *boys*—the girl had been sent to Monaghan; but the total ignorance of the public as to her whereabouts is an instructive commentary upon the *secrecy* of the system.

"We are, (says the *Banner*), fortunately in a position to satisfy our reverend querist's demand for information. The girl in question was Mary Crawford, sentenced by Mr. Tracy to a month's imprisonment, and to five years' incarceration afterwards in a (Roman Catholic) Reformatory. The history of the girl is this:— Her mother, who is a Presbyterian, was married about twenty years ago to Daniel Donaghey, a Roman Catholic, by the Rev. Mr. M'Caldin, Presbyterian minister of Coleraine. After the marriage, Donaghey left the Romish Church, and attended the ministry of Mr. M'Caldin along with his wife. Their daughter, Mary, was baptized a Presbyterian by the same clergyman, and has ever since been nominally a Presbyterian. * * And, when the young girl, Mary Crawford, or rather Donaghey, [Crawford being the name of a second husband of the girl's mother] was brought before the Bench, Mr. Tracy inquired as to her religion. The prisoner said she was a Roman Catholic, but her mother insisted again and again that she was a Presbyterian like herself, and had been baptized in that faith."*

Mr. Macnaughtan, with characteristic energy, wrote to the Lord Chancellor of Ireland on the subject, and to this communication he received a reply from the Under Secretary, as follows:—

"Dublin Castle, 9th March, 1860.

"SIR—In reply to your letter of the 6th instant, which has been transmitted to the Lord Lieutenant by the Lord Chancellor, I am directed by his Excellency to acquaint you that the subject of your communication has been submitted to the law adviser, who states that the Reformatory Act provides only for the case where parents or guardians are of the same religion. It does not provide for the case where the religion of the parents is not the same, or for the case of a surviving parent. In the present case, the father was a Roman Catholic, the mother a Presbyterian, and the law adviser cannot say that the present custody is erroneous, or advise that the Government should interfere in the matter.

"I am, Sir, your obedient servant,
(Signed,)

"THOMAS LARCOM.

"The Rev. J. Macnaughtan, Belfast."

In transmitting this letter to the public prints, Mr. Macnaughtan accompanied it with the following note:—

"Belfast, 14th March, 1860.

"SIR—I beg to hand you for publication a reply from the Castle regarding the Presbyterian child that was sent to the Romish Reformatory. Your readers will remember that, in your report of the trial no question seems to have been asked about the religion of the deceased father, and the plea in the letter looks very much like an after-thought, used to cover or justify an extraordinary sentence. As the case, however, stands now, the Act seems to invest the magistrate with an irresponsible power in the case of a young criminal who is the offspring of a mixed marriage, and the interpretation of the Act thus given by the law adviser of the Government is a strong reason, in addition to the other features in this obnoxious Act, why the Protestants of the realm should demand its amendment or repeal.—Yours, truly,
(Signed,)

"JOHN MACNAUGHTAN.

"P.S.—Why is it that, in your reports of convictions, you now omit, where criminals are sent to a Reformatory, to tell your readers what the religion of the criminal is, or to what Reformatory he or she is sentenced?"†

So it appears it was not the fault of the committing magistrate that a Presbyterian child was sent to a Roman Catholic Reformatory, but was the fault of the Act itself, which shielded the error.

* *Banner of Ulster*, Feb. 21, 1860.

† *Banner of Ulster*, March 15, 1860.

The religion of the dead parent was doubtful—the religion of the living parent was certain; and between the living certainty and the dead doubt, the magistrate has to decide! Such is the Reformatory Act, according to the interpretation of Dublin Castle lawyers. Now, whilst the Belfast magistrate was above all suspicion of sinister design in supplying the girl Donaghey with a religion, other magistrates, similarly circumstanced, might grossly abuse their powers; and it is not safe to leave to magisterial caprice the most sacred destinies of an immortal soul.

But, did the government adhere to their decision, not to interfere in the matter? The annexed letter supplies an answer:—

“Dublin Castle, April 19, 1860.

“SIR—With reference to previous correspondence, in the case of Mary Donaghey, otherwise Nancy Crawford, an inmate of the Roman Catholic Female Reformatory at Monaghan, I am directed to inform you that, by desire of the Chief Secretary, an order has been issued for her discharge therefrom.—I am, Sir, your obedient servant,
(Signed) “THOMAS LARCOM.*

“The Rev. John Macnaughtan, Duncairn House,
Belfast.”

How can we account for this vacillation on the part of the authorities at Dublin Castle? The law adviser had hesitated to say that the custody was erroneous, and, if not erroneous, why put an end to it, and deprive the girl of the benefits of the Reformatory Act for Ireland? On the 9th of March, Mary Donaghey was legally and equitably incarcerated in “Spark’s Lane” Reformatory, at Monaghan; and on the 19th of April she is discharged. On the 9th of March she is, by the dictum of the magistrate, and the interpretation of the law adviser, a Roman Catholic; whereas, on the 19th of April, she is sent home to her mother on no other ground than because she was a Presbyterian. Religion, under Mr. Deasy’s Act, changes its hues like the chameleon. We suppose the voice of the buried father of Mary Donaghey had ceased to testify for the Catholic faith on the 19th of April, and that then the mother was accepted as the arbiter of her child’s religion. What respect can the country have for law when an Act of Parliament makes religion itself a mere football, to be tossed about at the caprice of magistrates and governments? Confidence cannot be restored until the Act be either amended or repealed.

For the sake of variety, we shall now leave Belfast, and transfer ourselves to Dublin. The government always take care to have in the metropolis men of first-rate ability to administer the law, and an Act of Parliament, which puzzles and perplexes the men who are there found upon the bench, must be inherently vicious. Yet amid all the splendid legal talents for which the bench in Dublin is justly celebrated, we find the sectarianism of the Reformatory Act

* *Banner of Ulster*, April 24, 1860.

creating difficulties and scandals. It is the same everywhere. In Belfast it was mortifying; in Dublin it was "gloriously uncertain." In both it lost some friends, and got many enemies. We have now to refer to two cases in Dublin, which have been immortalized in a Parliamentary Return. The documents embodying the facts will be found in a Return of the House of Commons, ordered on the 11th of March, 1861, on the motion of Sir Edward Grogan.

LUCY DALY was tried at the City Sessions, before the Recorder of Dublin, on the 16th of December, 1859, on a charge of attempting to pick pockets, and, being convicted, was sentenced to one month's imprisonment and three years in a Reformatory. The matron of the Grange Gorman prison had stated to his lordship at the time of the trial, in reference to this and another criminal—"My lord, these girls are both Protestants, and the Protestant Reformatory, Cork street, is the right place for them." The governor of the prison had previously been of a different opinion; but, on stooping down, and speaking "to either one or both of the girls," he also said—"My lord, it is all right, they are Protestants." They were then both sentenced to a Protestant Reformatory for three years. The uncle and aunts of the offender, Lucy Daly, hearing of her incarceration in a Protestant Reformatory, forwarded a memorial to the Lord Lieutenant, setting forth that the girl's "father and mother were always Catholics," and that she had herself been instructed in the same religion. The memorialists, therefore, prayed that she might be discharged without delay, or removed to a Catholic institution. The opinion of the law officers of the Crown relative to this memorial, was as follows:—

"Under the circumstances of this case, and having regard to the age which Lucy Daly appears to have attained at the time of her committal, we think that the most proper course will be to have her discharged by the order of the Chief Secretary, under the 7th section of the 21st and 22d Vic., c. 103.

(Signed,)

"11th December, 1860."

"R. DEASY,

"THOMAS O'HAGAN.

The girl was discharged accordingly.

The next case which claims notice is that of JAMES TYRRELL, who, convicted of a felony before the magistrates of Capel-street Police Office, and having stated in court that he was a Roman Catholic, was, without further inquiry, sent to Glencree Reformatory. His mother, Catherine Tyrrell, shortly after forwarded a memorial to the Lord Lieutenant, setting forth that her son was fourteen and a-quarter years of age, that he never was a Roman Catholic, that both his parents had always been Protestants, that they "always reared James in the Protestant faith," that "he never professed any other, until, at the time of his being sentenced, he was tempted to say he was a Roman Catholic, in order that he might be sent to the same school with some of his companions, from whom he was anxious not to be separated, and memorialist was never enquired

of as to his religion when he was thus sentenced to be a Roman Catholic." Memorialist, therefore, prayed that he might not be detained at Glencree, but transferred to a Protestant Reformatory. A certificate from his and her parish minister accompanied the memorial, in the following terms:—

"I certify that I have known Catherine Tyrrell and her son James, who have been living in this parish for several years, and that they are members of the Established Church, and I was quite annoyed to hear that he, whom I know to be a Protestant, should have been sent to a Roman Catholic Reformatory school. The slightest inquiry in this parish, where both mother and son are well known, would have left no doubt as to the son's religion. I am sure that it only requires to have the error made known to have it promptly rectified.

(Signed,)

"EDWARD CHILDS,

"Curate of St. Nicholas, (within the Walls,) Dublin.

"22d Nov., 1860."

Nearly three weeks passed, but there was no reply to the memorial. Whether it was undergoing a process of legal incubation in Dublin Castle is not known, but at all events there was no satisfactory result. The mother, sickened, no doubt, by deferred hopes, though not yet despairing of redress, sent another memorial to his Excellency, and exactly sixteen days afterwards she received the following letter from the Under Secretary:—

"Dublin Castle, 27th December, 1860.

"CATHERINE TYRRELL—I am directed by the Lords Justices to acknowledge the receipt of two memorials relative to your son, at present confined in Glencree Reformatory, and I am to acquaint you, in reply, that the case does not call for any interference on the part of the government. It appears from the statement made by the transmitting magistrate that the boy stated his parents were dead, and that he was a Roman Catholic. The magistrate was bound to act upon that statement, and to send him to a Roman Catholic Reformatory.

"A power of Appeal is given to a parent or guardian by the 7th section of the Juvenile Reformatory Act (21 and 22 Vic., c. 103), and that is the course which you should adopt in order to have the sentence revised.—I am, &c.,

(Signed)

"THOMAS A. LARCOM. .

"27th December, 1860."

Some grave reflections are suggested at this stage of the narrative. Two cases—that of Daly and that of Tyrrell—were brought under the notice of the government, and the analogy between the two was complete. The former criminal—a Roman Catholic—was sent by mistake to a Protestant Reformatory; the latter—a Protestant—was sent by mistake to a Roman Catholic Reformatory. The uncle of the Roman Catholic girl petitioned the Lord Lieutenant to have the mistake rectified, giving proof that the child was *not* a Protestant. The mother of the Protestant lad petitioned the Lord Lieutenant to have the mistake rectified, giving proof that the child was *not* a Roman Catholic. Up to that point the similarity of the two cases was perfect. But here the likeness ceases. The memorial of the uncle of Lucy Daly led to her instant discharge; the memorial of the mother of James Tyrrell led to

nothing save an intimation that the "case did not call for any interference on the part of the government." In the case of the Roman Catholic, Daly, the sentence was "revised" without any appeal; in the case of the Protestant lad, Tyrrell, an appeal was the only way to get the sentence "revised." The public were sorely puzzled by these things, and many theories were propounded to account for the discrepancy. One theory, in particular, found many adherents at the time—namely, that the difference of religion made *all* the difference. It was more than hinted that an injustice done to a Roman Catholic was far more easily seen than an injustice to a Protestant; that, in fact, the one could be seen with "half an eye," whilst the other could not be discovered without all the eyes of a Court of Appeal. The theory had a great many admirers from its apparent plausibility; but, for our own part, we think it too ugly to be admired. It is almost mean to mention it. "But then," it was urged, "the Reformatory Act insists upon the principle that difference of creed is never to be lost sight of in the administration of Reformatory justice, and therefore all problems such as the one in hand ought to be explained on that principle." Very plausible reasoning, certainly; but we still insist that the law officers of the Crown are so superior to the Act itself, that they would disdain to avail themselves of its facilities for proselytism. "But how"—the theorists, with mean pertinacity again demanded—"how did the law officers see Daly's case so clearly, and yet were unable to see Tyrrell's at all?" Our reply to that question is—*We can't tell*. Others said that the two cases afforded a striking example of the caprice of power, and that it was a splendid opportunity of vindicating the arbitrary power which the Act puts into the hands of the Irish government. That was an ingenious theory, too; but our great objection to it is, that the government of Ireland is too pure by far to use power capriciously. "Why, then," people asked with impatient indignation, "was Daly liberated and Tyrrell sent back to the Recorder's Court?" *We can't tell*.

Upon the document itself, however, which widow Tyrrell received from the Secretary's office, in reply to her memorial, a few remarks are needed. The Under Secretary says—"the boy stated his parents were both dead, and that he was a Roman Catholic. The magistrate was bound to act upon that statement, and to send him to a Roman Catholic Reformatory." And who, we ask, called that in question? Nobody. No one impugned the conduct of the magistrate in sending the boy to Glencree, just as no one impugned his conduct in sending Daly to the wrong place. A mistake had been made unwittingly by the magistrate, and all the mother of the boy wanted was, to get that mistake rectified. With the evidence the magistrate had, he did perfectly right to *send* this boy to Glencree; but with the evidence the government had, had they any right to *keep* him there, when they had the

power to discharge him? That was the question for the government, and it was little short of trifling to tell the woman something which nobody denied. She says—"New evidence has come out since my boy was committed, it belongs to the government to act upon that evidence; as therefore the magistrate, without any fault of his, sent my child to the wrong institution, I pray you to interfere and rectify the error." And the government replies—"On the evidence the magistrate had before him, he did quite right." But what is that to the point? Do you mean to argue that because it was legally right to send the boy there, it must be legally right to keep him there? If so, what becomes of Daly's case? It was legally right, on the evidence, to send her to Cork street; but it would have been legally wrong, on the new evidence, to keep her there. It was a mere diversion from the main point of the memorial to begin to explain the duties of magistrates to the memorialist. She was thinking nothing about the duty of magistrates, but she was thinking a good deal about the duty of the government.

If we were disposed to be critical, which we are not, we might question the law that emanated from the Castle on the very subject of magisterial duty. It is by no means certain that the magistrate was bound to accept the statement of the boy in court. It is only when the religion of parents or guardians, or the baptismal register, cannot be discovered, that the statement of the juvenile criminal is final; but not being law officers of the Crown, we must not pretend to understand all the hidden meanings of this engine of proselytism, the Reformatory School Act for Ireland.

Further, the Under Secretary kindly informed Catherine Tyrrell that she had the power of appeal under the Act, and that that was the course she ought to adopt in order to obtain redress. Hard enough, certainly. The poor woman earned 6d or 8d a-day* by washing, and lived in a garret. The law courts are open to her in this free country! There are plenty of attorneys in Dublin, and barristers of great distinction! It must be no common counsellor she must fee in an action of appeal against the solemn decision of a magistrate. She takes a look at her wash-tub, and wonders whether in seven years it would yield as much money as would carry through the great appeal case recommended by the Irish government. If she only knew how the Dalys got their niece out of confinement without that tremendous "appeal," she would try the same means to get out her son. Catherine Tyrrell, you have tried the same means, and they have failed, and if you cannot face that "appeal," which will cost more money than you can save in your lifetime, to all appearance your boy will be left in Glencree, one of the most distinguished proselytes under the Reformatory School Act for Ireland.

* Letter of "CLERICUS" in *Daily Express*, January 2, 1861.

It is scarcely necessary to say that the course taken by the government produced a profound sensation in all quarters. Some able letters on the subject, signed "Clericus," appeared in the *Daily Express*, whilst the press in Dublin, Belfast, and Londonderry,* of various shades of political opinion, sounded an alarm which roused the public mind. Astonishment took hold even of the Committee at Glencree. They saw that odium was being brought upon the Act of Parliament itself, and that if the caprices of power were to be indulged in thus, it would finally shake Reformatories to their foundations. Mr. Murray, the hon. secretary of that institution, lost no time in sending a strong remonstrance to the government. This letter to the Under Secretary is creditable alike to Mr. Murray's judgment and his heart; and, as we have found it necessary so often to differ from the views of that gentleman on the Reformatory question, we cannot deny ourselves the pleasure of acknowledging his services to the cause of justice on that critical occasion, and of presenting our readers with a transcript of his able remonstrance.

"1, Upper Pembroke street, 5th January, 1861.

"SIR—I am directed by the Dublin Catholic Reformatory Committee to call the attention of government to a letter signed "Clericus," appearing in the Dublin *Daily Express* newspaper of Wednesday, the 2d January instant, in which it is stated that the Lords Justices have, in reply to the memorial of a widow named Tyrrell, a Protestant, whose husband was also a Protestant, refused to discharge her son, James Tyrrell, from St. Kevin's Reformatory for Catholic Boys, Glencree, although about the same time an order was issued for the discharge of a Roman Catholic girl from the Protestant Girls' Reformatory, Cork street, who had been sent to it by mistake under precisely similar circumstances. It is also stated in this letter that their Excellencies have directed the widow to appeal under the provisions of the 7th section of the Act, but in consequence of her ignorance and poverty she was unable to lodge it in sufficient time to apply to have the sentence reversed at the next Sessions under the Act.

"The Dublin Catholic Reformatory Committee beg to observe that, in their opinion, it is essential to the well working of the Act that all such cases should be immediately discharged from custody as soon as ascertained, and that no child should be left in a Reformatory when any doubt exists as to the religion. The public mind in Ireland is peculiarly sensitive on the subject of proselytism, and no cause of dispute should be permitted to exist.

"The Protestant and Catholic Reformatory Committees have up to the present worked in perfect harmony, and it would be a pity to disturb it by forcing children sent through mistake to a wrong Reformatory to remain in it, until sectarian feelings were aroused, and subscriptions should be set on foot for the purpose of instituting legal proceedings to bring the matter before a superior court.

"The Dublin Catholic Reformatory Committee have inquired into the two cases named in the letter above referred to, and they find that in neither could an appeal have been presented; the Protestant widow was too late to lodge her appeal; and the Roman Catholic girl had been already 11 months in the Protestant Reformatory before her case was decided; she, however, was discharged by their Excellencies, and this Committee respectfully submit that a like order should be made in Tyrrell's case, which is even stronger, as the mother is alive.

"The Dublin Catholic Reformatory Committee, and the manager of St. Kevin's

* See *Sentinel* of January 4, 1861; and *Standard* of January 10, 1861, where leading articles of great ability will be found.

School, are particularly anxious that no cause of complaint should be allowed to exist in the carrying out of the Schools Act, and they therefore earnestly entreat you to impress on the government the necessity of discharging this boy.

"He has already undergone a punishment for his crime, and no harm can result from his discharge, as if he should again offend, and be considered a proper subject for a Reformatory, he can be sent to one.

"The power of discharge is expressly given in the 7th section of the Act to the Chief Secretary.

"The Committee beg you will excuse their troubling you in this case, but they feel it is one of paramount importance. I have, &c.

(Signed)

"PATRICK JOSEPH MURRAY,

"Honorary Secretary, Dublin Catholic Reformatory Committee.

"The Under Secretary, &c., &c., &c."

The government were now in a difficulty. All parties were dissatisfied. Even the Glencree Committee were anxious to get rid of Tyrrell, about whom the whole country was in a ferment. What could be done? The Castle had said—"The case does not call for any interference on the part of the government." Yet the government *did* interfere—not directly indeed, but through the machinery of the Recorder's Court. They undertook the whole expense of an appeal, and put the country to a nice little bill of costs, when the matter might have been decided, as in Daly's case, by the simple discharge of the Chief Secretary. The appeal was conducted by the able Crown Solicitor of Dublin, Mr. Anderson, who had so carefully examined the facts of the case, that counsel had no difficulty in obtaining a reversal of the decision of the lower court, and a transference of the boy to a Protestant institution. A curious question arose in the course of the trial as to whether the Reformatory Act superseded the common law right of every juvenile to choose his own religion when he has attained the age of fourteen years.

"Mr. Barry, Q.C.*—If my own opinion was asked, I think the words of the Act exclude the possibility of his being sent to any other Reformatory than that one which is under the exclusive management of persons of the religion professed by his parents.

"The Recorder—You are quite right.

"Mr. Barry, Q.C.—That is certainly my opinion.

"The Recorder—We do not differ, then."

An eminent authority, however, was referred to by Mr. Barry, whose opinion was, that the common law right would override the express language of the Act. That is a question of very great importance, and uncertainty regarding it may hereafter lead to serious complications in carrying out the Act of Parliament. Whilst high legal authorities differ, it can hardly be expected that stipendiary magistrates and justices of the peace should agree. The consequence may be that one magistrate may decide according to common law, and another according to the statute. One may say, with the "eminent authority" referred to by Mr. Barry, that if the child

* Crown Prosecutor, appearing on behalf of appellant.

be over fourteen years of age it has a common law right to choose for itself; another may say, with the Recorder of Dublin, that the words of the statute are "express and plain," that if the age of the juvenile offender does not exceed sixteen years, his religion is to be decided by that of his parents or guardians. Thus confusion and contradiction may arise in deciding that very point upon which the country is most sensitive. It is possible to conceive that an unprincipled magistrate might at some future day make his way to the bench, and promote proselytism by oscillating between common and statute law. It is no wonder that the Recorder of Dublin, during Tyrrell's appeal, remarked "that it was a *PIECE OF AMATEUR LEGISLATION.*" But with a quiet irony, more cutting still, he added—"The motive and principle being good, the legislature had determined to give the matter a trial." They have already tried it, and it is a failure. Whatever may be the goodness of its "principle," perhaps an Act of Parliament so destitute of redeeming qualities in its details was never incorporated with the statutes of Britain. The sooner it is repealed the better.

The House of Commons' Return throws additional light on the proselytizing operations that are carried on in connection with the Reformatory Act, and the public are greatly indebted to Sir Edward Grogan for his enlightened and independent services on this vital question.

A boy, named W. E., had been committed to Richmond Bridewell, and afterwards to the Protestant Reformatory in Dublin. He absconded from the Reformatory, and was recaptured, whereupon the Superintendent of the School reports—

"In my opinion, the restless conduct on his part is, among other causes, mainly attributable to the fact, of some of the prison officials having endeavoured to prejudice him *against* this Reformatory, and *in favour* of Glencree. The boy states that a turnkey named C., who brought him from the prison here, told him that the Glencree Reformatory would be much better for him; that there the boys got meat three times a week; have a band of music, foot-ball, &c., and the free run of the mountains. He also states that a prisoner, who is allowed to go about the prison in the capacity of hallman, frequently annoyed him by telling him that he would have fared better if he had said he was a Roman Catholic, in order to get with his companion to Glencree. The boy's father also told me that he believed the boy had been tampered with, as some of the turnkeys had urged him (the father) very much to have him sent to Glencree." *

This complaint having been investigated, the Board of Superintendence of Richmond Bridewell resolved—

"That the officers be cautioned not to tamper in any way with the religion of prisoners, and be informed officially that a rule will be adopted and enforced, that all officers proved guilty of such conduct, will in future be dismissed."

All we need say about this case is, that it is well our prisons are not on the Reformatory principle, of all the officials being of the

* House of Commons Return, page 3.

same religious persuasion, otherwise they would be the best proselytizing schools in the country. Even as it is, the very cells of the prisons are invaded to get recruits for the sectarian armies of Irish Reformatories. "*Meat three times a week; music and foot-balls, with the free run of the mountains*"—not a bad bait to put on a Reformatory trap for the purpose of catching young criminals.

We have thus far been dealing with abuses, in the direction of proselytism, as they have actually manifested themselves in the working of the measure. We have recorded facts that will brook no denial, and that are comprehensible by all classes in the community—cases of clumsy mismanagement that have covered the Act of Parliament with a mixture of detestation and contempt. As it was foolish for the unskilled charioteer to undertake the proud task of driving the "chariot of the sun," so it must ere now have become evident to the rash introducers of this ill-fated measure that there is folly as well as danger in the daring efforts of "amateur legislation." The arrow that was winged against a few young criminals, as the victims of proselytizing zeal, has recoiled upon the hand that directed it, and with a momentum increased an hundred-fold by the feelings of an indignant public. Already the names of these rescued children, like the hand-writing upon the wall, are summoning Reformatory sectarianism to its doom; for, having "been weighed in the balances, it has been found wanting."

But, perhaps, the worst feature of the system, in its religious aspects, has yet to be delineated. There is an omission in the Act, which is pregnant with ruin to the scheme. The omission is this—*no provision is made for a change in the religious opinions of the inmates of Reformatories*. When a young criminal is consigned to a Reformatory for five years, what is to be done with him provided he change his religion? One of two things must be done: he must either be discharged immediately, or else be debarred for years from exercising such a religion as is approved by his conscience. In gaols, Union Workhouses, and the army, religion can be changed at any moment; but in Reformatories, every inmate must make his conscience lie for five years upon the same Procrustes bed. What right has any committee—what right has any government to say to a young criminal, "Your religion is now determined, and we care nothing about your future convictions, but for five years you must think exactly as you do now?" We tell you that in this free land, such compression of consciences will not be tolerated. The common law of England rises in rebellion against it. If an inmate of a Protestant Reformatory, having attained the age of 17 years, should intimate to the managers—"I have changed my religious views, I am no more a Protestant; I am a Catholic;" what will be done with him? Compel him to live in that Protestant Reformatory for four years more? Deny him the right which you give to every convict to change his religion? Enslave not only his body but

his soul? Crush his conscience under the iron heel of your vile Reformatory despotism? We deny your right, and we denounce your attempted sovereignty over the soul of a responsible being, who in such matters should acknowledge no monarch but God Himself. He has reached the years of discretion, when neither parent nor gaoler has any right to set a limit to his faith or his convictions. This is an offence against religious toleration which cannot and must not be endured.

But take the other alternative, and grant liberty of conscience. Then where is your power to reform? The Act gives no power to remove from one Reformatory to another, except to one of the same religious persuasion as that to which the criminal was originally committed. The Chief Secretary may discharge the offender, but not transfer him to an institution of a different religion. To be just and tolerant, he must discharge him. There is no alternative. See what this may lead to—the emptying of all the Reformatories in Ireland in one week. Let the inmates once know that by changing their religion they get their discharge, and probably these celebrated institutions will cease to be paying speculations. It is obvious that the only way to prevent this dead-lock in the system is to establish Reformatories on the non-sectarian principle—the same as gaols and Union Workhouses. Religion may then be changed without necessitating either discharge or intolerance. But while you keep Reformatories on the present sectarian plan, you are either subjecting the system to the possibility of a sudden and ridiculous overthrow, by the cunning of the inmates in changing their religious views, or you are perpetrating one of the grossest despotisms over the souls of responsible beings that ever had existence under the most intolerant of governments.

Before closing our review of this feature of the Reformatory Act, we must call attention to an announcement in the last Report of the Inspector General of Prisons. From table 24, page xxvii., we find that during the year 1860, there were six Presbyterians committed to Reformatory Schools. Now, there is not a Presbyterian Reformatory in existence in Ireland. Yet these six Presbyterians must have been received somewhere, and there is no doubt that they are undergoing illegal detention.

The Act of Parliament is explicit that juvenile offenders must be sent to some Reformatory under the exclusive management of persons of the same religious persuasion as the parents or guardians of such offenders. But there is no such Reformatory in existence. What then has been done with these six Presbyterians? Is the country paying 7s a week to have them converted to some other religion? It is scarcely wise to do that; for, if the statistics of crime be any test of the moral power of different religions, the Presbyterian will carry off the palm in Ireland, the per centage of criminals of that persuasion being far below the per centage of any

of the other great religious bodies in Ireland. And not only so, but the decrease in the number of criminals among Presbyterians has been more rapid than in other persuasions. If the State, then, is going to proselytize at all, we submit that it should be in the direction of Presbyterianism, which produces least crime, and where crime is most rapidly diminishing. But no apology can be imagined for the false imprisonment and consequent proselytism of six Presbyterian juveniles. The Act covers a good many sins, but really we cannot hold it guilty of this. There is guilt somewhere, and we have no manner of doubt that if the parents or guardians of these six Presbyterians could only discover where they are incarcerated, they could, with every prospect of success, bring an action for illegal detention against some benevolent committee. The Act is bad enough, everybody knows by this time ; but it is hardly fair that its own friends should make it worse than it is, by making it the patron of such wanton proselytism. It will be time enough to send Presbyterian delinquents to Reformatories when Presbyterian Reformatories are established ; and we suspect it will be a long time before the General Assembly avails itself of the benefit of an Act which it has unanimously condemned. The Presbyterians are satisfied, meantime, to let the few criminals that are produced within their pale abide by the salutary penal discipline which was so rapidly curtailing the catalogue of crime in Ireland, and which was certainly a thousand-fold more effectual in the checking of immorality than this new system, based upon misconceptions, and supported by questionable agencies.

CHAP. VII.

COST TO THE NATION.

If Reformatory institutions were supported exclusively by the liberality of benevolent individuals—if they made no demands upon the public purse, or upon the resources of an overtaxed population ; whilst in that case, all our objections against them, as private and irresponsible establishments, would be intensified rather than overruled, still it would be outside our province to interfere with their financial affairs. Though we should most emphatically protest against handing over young criminals to any set of generous devotees, to be treated according to their Reformatory idiosyncrasies ; at the same time, so far as actual outlay was concerned, every member of committee might go to the bottom of his purse, or beyond it, in carrying out his own philanthropic whim, and we should never think of volunteering either counsel or reproof. But it is a very different thing when the whole country is laid un-

der compulsory and reluctant tribute. It is easy, like Reformatory committees, to be benevolent at the public cost—to let the national treasury bear all the burden, whilst platform philanthropy carries off all the credit. Unfortunately this question has a fiscal aspect, which common sense cannot overlook, however it may be overlooked by enthusiasm. The present system would be bad at any price; but the evil is aggravated by the enormous expenditure which it will eventually entail upon the country—an expenditure which is as impolitic as it is unjust.

Mr. David Cunningham, of Londonderry, a gentleman who possesses the rare combination of the most enlarged philanthropy and the highest practical wisdom, has thoroughly sifted the fiscal elements of the Reformatory question; and to his letters, addressed to the Lord Lieutenant of Ireland, we are indebted for some of the facts and figures which we shall now lay before our readers. We may, however, premise that we have official information as to the actual expense of each inmate in the several Reformatories in the country—this information being embodied in the return to an order of the House of Commons, printed at page 25, and in answers to queries, sent to different institutions, by the Grand Jury of the county of Antrim. To be sure, there is considerable discrepancy in the answers given by some Reformatories to the questions of the House of Commons and those of the Antrim Grand Jury; but it is not our duty to attempt a reconciliation of these discrepancies. For example, when the House of Commons asked the Malone committee how much each inmate cost annually, they replied, “£28 8s 6d;” but when asked the same question by the Grand Jury of Antrim, they replied, “about £24.” The Glencree committee told the House of Commons that each one of their inmates cost annually £19 9s 5½d;” and a few days, either before or after, they told the Antrim Grand Jury that each inmate cost annually “about £28.” The difference in the two replies is somewhere about £1944! But that sum is only a kind of margin, apparently, in Glencree expenditure, which, in official returns, may either be mentioned or omitted, according to the nature of the occasion, or the exigencies of the moment. It is rather unfortunate that the rate-payers are not able to treat a couple of thousand pounds sterling with similar contempt; for they insist upon certain inquiries, which must look excessively mean and paltry, to the sublime conceptions of Reformatory benevolence. If people would just ask no questions about money, as to how it goes, or how much of it goes, it would render the duties of philanthropic committees much more pleasant, and the community outside would thus realize the great poetical beatitude—

“Where ignorance is bliss, 'tis folly to be wise.”

As there is no more evidence for £19 9s 5½d per head than there is for £28 per head, we must just decide between the two by the

probabilities of the case, and adopt the latter sum as the real rate of expenditure. Now there were 228 pupils in St. Kevin's Reformatory on the 31st of December, 1860; and at £28 per head, the yearly cost to the country of that single institution is no less a sum than £6,384! This income is sufficient to enable the managers to treat the inmates on a scale of baronial splendour and munificence; and even when £1134 are subtracted as the "cost of the staff of 15, including workmen's wages," the remaining £5,250, for the food and clothing of the pupils, would be sufficient to maintain a daily table and a system of hospitality that would do more than rival the abbacies of ancient times. And yet we hear complaints that on such a miserable allowance the Reformatory system in Ireland can barely subsist! "It is known," says an eloquent panegyrist of Glencree, "by experience, that the present allowance is barely sufficient, even with other aids, to carry out the Reformatory system. (Hear.)*" What is to be the end of this? The world is to be fairly turned upside down; crime must occupy the highest seats of honour in the land; and under the name of Reformatories, a system is to be established which confounds right and wrong, confers rewards on immorality, and reverses all the soundest principles of jurisprudence. Let it be distinctly understood that we are now only speaking inferentially, and not from any information as to the mode in which inmates are treated. The schools may, or they may not, be conducted on the magnificent scale which the cost leads one to suppose. For ought that we know to the contrary, the money that comes out of the pockets of a burdened population may be absorbed in some other way than pampering young criminals, and, for the sake of morality, we hope it is so. Far better it was buried in "antediluvian bogs" than expended in a demoralizing luxuriance. We hope it will not be considered invidious our singling out a particular institution for special remark. Our sole reason is, that it affords the most advantageous illustration of our argument; it was one of the first established under the Act; it has the largest number of inmates; it is reported to be the most thoroughly equipped school in the kingdom; and is, on all hands, justly regarded as the model Reformatory institute of Ireland. It would be as unjust to its claims as it would be prejudicial to the general cause, not to give Glencree a very marked prominence in our present discussion.

There is one thought that might bring consolation in reviewing the enormous expenditure in Reformatories, and it is this, that if juvenile crime were now to diminish at the same rate that it was diminishing *before* the establishment of these institutions, the drain upon the country would cease for want of the absorbing element of

* Speech of Alderman Campbell. *Freeman's Journal*, April 10, 1861.

juvenile crime. But we have already seen that the diminution has been arrested since Reformatories were established ; and we have no doubt the next step will be a positive increase in the ratio of juvenile delinquents. If we could only believe that the diminution would be as great as it was in former years when no demoralizing influences, of a national character, were at work—if we could only believe that Reformatories would not stand in the way of reformation, that they would be mere ciphers in the State, and paid for doing nothing, whilst the old drying up of juvenile crime was allowed to go on, we should at once drop our pen, and passively concede to them their transient emoluments ; but perceiving as we do that, while they exist, juvenile crime is not likely to decrease, and that they are likely, unless abolished by government, to become permanent and annually increasing drains upon the nation's resources, we cannot but demur to the magnitude of their unreasonable demands. The decrease was only 12 per cent. in 1860, against 34 per cent. in 1858. The decrease of re-committals was only 19 per cent. in 1860, against 46 per cent. in 1858. These figures suggest gloomy prospects, and caution us not to accept the fond theories of sanguine benevolence as a substitute for the repulsive realities which criminal statistics exhibit. Let us hear one who speaks with authority on the subject, and who had rather screen than expose the defects of the Reformatory system, were it not that his own high character and official station leave him no option but to state the naked truth. Mr. Turner, inspector of British Reformatories, says, in his last report—"Reformatories will no doubt require to be enlarged instead of being reduced, and the number of their inmates may be expected to increase instead of diminishing, if children of so young an age *and so innocent a class (!)* are to be received so freely into them. The demands made upon the public purse for their maintenance have been hitherto singularly moderate in comparison with the amount of their positive advantage to the community. *But the expenditure connected with them will probably be very differently viewed when it is found to be annually enlarging, and to be incurred, not for the cure of positive evils, but for the prevention of possible ones.*" *

The truth is here plainly acknowledged, that the number of inmates in Reformatories may be expected to swell from year to year, until the annual cost reach a figure which will not fail to cover the country with dismay. Does it not strike the Inspector that the present cost of Reformatories furnishes a solution to the problem of their increase ? Does it never occur to him that if they were sustained on a more moderate scale, they might possibly be burdened with fewer applicants ? One would suppose that Mr. Turner must know what he is talking about when he designates

* Report of Inspector of Reformatory Schools in Great Britain. 1861.

English and Scotch Reformatories by the name of "BOARDING SCHOOLS," as he actually does in his report.* Every reader knows the conventional signification of "Boarding School," that it means an institution where education is imparted to the children of the higher classes, and which is beyond the reach of the poor. And so it has come to this, that the young criminals of Britain are to be sent to "*distant boarding schools*," to be educated at the rate of £28 per head per annum, whilst the children of the honest poor must think themselves well off, if educated at the rate of a penny a week. The difference between £28 per annum and a penny a week shows the comparative estimate between crime and honesty, in the judgment of this philanthropic age.

Let us contrast the amount expended on juvenile *criminals* with that expended on juvenile *paupers*. The annual cost of each pauper in the Union Workhouses of Ireland is about £6; the annual cost of a Reformatory inmate (as we have seen) is £28, being a balance of £22 per annum in favour of crime over pauperism.† It is hardly worth while to be a pauper when it is so easy to graduate as a criminal, and enter the aristocratic ranks of these non-descript institutions—one quarter prisons, and three quarters "boarding schools." What pauper child will thank you for your paltry £6 a year, when, by stealing an apple or a pair of shoes, he can compel you to support him, like a boy of patrician rank, in a first-rate academy, at the rate of £28 per annum? For the sake of public morals we trust it will be long before the intelligence of this national premium upon crime reaches the precincts of the Unions of Ireland; and we do hope that the inmates of our Unions will long be kept in happy ignorance of the ease with which they might march to the higher walks of life and educational privilege. We say it is a burning shame to the nation to lavish its bounties on the least deserving—to crown iniquity with honours, whilst it consigns the honest pauper to meanness and contempt. No law of God can be pleaded for such unrighteousness, and no law of man should sanction it.

Again, bring a labouring man's wages and a Reformatory inmate's support side by side, and see where the advantage lies. There are few labouring men in Ireland who have more than 9s. a week, to feed, clothe, and educate an entire family; and though it is a hard struggle, many of them can pass through life in comparative respectability, and never reach the poor debtor's cell. We know families of six and eight members that are supported thus on £23 a year, in respectable but struggling thrift. Sometimes they feel the chills of pinching penury, especially when sickness comes to shear away the "locks of strength," and dry up the resources

* Report for 1860, page 10.

† See Mr. Cunningham's letter to the Lord Lieutenant.

of daily bread. How hard it must be for a parent to see his children wasting away in want, when he knows that, by some trifling offence, they at least would soon be placed in the midst of affluence, and have all the philanthropists of the nation as their patrons. The honest and God-fearing man will rise superior to the temptation, and he will let his children die rather than send them to a "boarding school," bearing upon their brow the brand of crime; but we maintain that it is a temptation to which no poor man should be subjected, and, moreover, it is one through which some parents will not pass unscathed. Reverse this fatal principle in your system of jurisprudence, and let *punishment* be the idea that shall always confront the thoughts of crime; and anything that may lie beyond punishment, let it be as little as possible spoken about on platforms and in the columns of the press. Give a little less to crime, and talk less about what you do give; for the honest struggles of the poor will have an additional agony imparted to them, should they discover that they are fighting against crime at such fearful odds, and that, by their very honesty, they are keeping back their children from promotion in the State. It is enough to be obliged to battle with poverty, without having the very laws of the country turned against them in the strife, and their sweating brow laughed to scorn by the indulged and educated felon. "It is placing," says Dr. Gayer, "those children in a far better situation, as to their present happiness, than they were ever likely to enjoy in any other way, and that without any undue petting."* Dr. Gayer adduces this as an argument in favor of the system, although, we apprehend, those who are not unduly warmed by the atmosphere of a public meeting will be apt to think that it cuts in a very different direction. Indeed, so convinced was the *Dublin Daily Express* of the gross injustice of the system, as described by Dr. Gayer, that a leading article, of unanswerable logic, appeared in that paper immediately afterwards, in which the writer says—"We cannot see why the thief should be better lodged, better clad, better fed, and better educated at the cost of the State, than a poor virtuous child who remembered, even in his destitution, the command of God, 'Thou shalt not steal.' The average cost of a pauper in the Union Workhouses is about 2s 6d or 3s a-week each, or about £6 a year. Why, we again ask, should juvenile criminality be treated twice as well as honest poverty? Why should one juvenile delinquent have as much spent on him as must suffice to support a laboring man with six children?"† An attempt was made to take the edge off these sentences, by a letter of explanation from Dr. Gayer; but it is to be observed that he left the quotation given above un-

* Speech reported in *Daily Express*, Jan. 8, 1861.

† *Dublin Daily Express*, Jan. 8, 1861.

challenged, and thus conceded its accuracy. And even were the general admission retracted, the undeniable fact would still remain, that sums of money are poured into Reformatory treasuries, which, whatever way they may be expended, are more than sufficient to give effect to all that Dr. Gayer stated. If it were denied that juvenile delinquents in Reformatories are in a "far better situation, as to their present happiness, than they are ever likely to enjoy in any other way," our reply would simply be this—"The money spent is ample for the realization of this description, and if it is not realized, the country has a right to know why." But we believe the statement to be strictly and literally true, and we fearlessly maintain, with the *Daily Express*, that it ought not to be so.*

Let us now compare the cost of Reformatories with that of similar Institutions in Ireland. The same anomaly here stares us in the face—crime occupies the highest seat. We owe a debt of gratitude—and so does the country in general—to John Thomson, Esq., of the Belfast Bank, for his indefatigable and successful exertions in exposing this injustice. Claims had been made upon the Antrim Grand Jury at the Spring Assizes of 1861, on account of delinquents who had been sent from that county to several Reformatory Schools in Ireland. The extent of these demands was such as to make the Grand Jury pause before giving a favourable response; and, in order that they might be able "to elicit facts from which they might form some opinion of the efficiency of the several Reformatory Schools, applying to the county for aid, and obtain a proper basis on which hereafter to found any contract with their managers, which the Grand Jury might consider it desirable to make," a committee was appointed to make inquiries and report at the Summer Assizes. Of this committee, Mr. Thomson was the most active member. A report was made, embracing some highly valuable statistics, and recommending that the applications of Reformatory managers should be rejected. The Report was unanimously adopted, and a printed copy of it now lies before us. From the third page we take the following quotation:—

"Since the 10th October, 1859, this county has sent 65 offenders to Reformatories, 61 of whom have been from Belfast—42 have been sent within the year ending 21st of February last. These, at the weekly cost of 7s per head, or £18 4s per annum, would come to, yearly, £764 8s; and if we continue to send annually the same number, each committed for five years, the total number would be 210, the yearly cost of which would be £3,822.

"We find that of the 65 offenders sent from Antrim, 30 were committed for the first offence.

"The expense of maintenance of the inmates of Reformatories, even in the case of the Glencree house, which contains 235 persons, is *much greater than other public establishments*.

"The cost per head of the Belfast District Asylum for insane poor is about £17, with 230 inmates, exclusive of buildings.

* See also *Derry Standard* of Jan. 10; *Sentinel*, Jan. 11; *Guardian*, Jan. 15, 1861.

“The Belfast Charitable Society, £10 per head, with 200 inmates, exclusive of buildings.

“The Belfast Union Poorhouse, including Hospital and annexed Dispensary, about £7 10s per head.

“The Belfast General Hospital, for diet, wine, and medicine, is about £18 per head, and including all charges £33, exclusive of building.

“And lastly—The Belfast Deaf and Dumb and Blind Asylum, with 107 inmates, costs per head about £17, exclusive of buildings.”

It is quite clear from the prudent action of the Antrim Grand Jury, that the system is at a dead lock in that county, and that it is not considered worth the pecuniary sacrifice which it asks the ratepayers to make. Why a Reformatory School for young criminals, containing 235 pupils, should cost £28 per head, whilst the Deaf and Dumb and Blind Asylum in Belfast, containing 107, should cost only £17 per head, including all charges, was a mystery, whose solution the Grand Jury had a perfect right to demand, before voting a subsidy from the funds which it was their duty and their privilege to guard. They saw no valid reason why the young criminals who were sent from their judicial tribunals should be better treated and more expensively nurtured than the inmates of the Deaf and Dumb institution, the Union Workhouse, or General Hospital. Either the expenditure in their local charities was niggardly and inadequate, or that of Irish Reformatories was excessive. The former they knew not to be so; the latter was the inevitable conclusion at which they arrived; and their wisdom will yet, we have no doubt, be ratified by the whole country.

It is no small satisfaction to us to have our views on this branch of the question corroborated and confirmed by the testimony of one of the most prominent and influential labourers in the Reformatory cause—Mr. Patrick Joseph Murray. After the most painstaking calculations (for Mr. Murray is not wont to risk statements without such preliminaries) he says—“*In Ireland five shillings per head per week would be amply sufficient*; indeed, Mr. Baker, of Hardwicke Court, once told us that he thought a Reformatory in England which could not support its boys at five shillings per head, must have A SCREW LOOSE SOMEWHERE.* If Mr. Murray has since been induced to change his mind, he must excuse us if we are unable to follow him in his mutability, and still adhere to the opinion that, in the finances of Irish Reformatories, there is “a screw loose somewhere.”

But when the advocates of the present system are constrained to admit its heavy cost to the country, they are in the habit of asserting that, after all, it is a saving to the nation, inasmuch as the expense of gaol correction is much greater. The public have given credence to this representation, without duly considering the grounds on which it rests; whilst, on inquiry, it will be found utterly

* “Notes of Reformatories for Ireland.” Page lviii.

opposed to the real facts of the case. Extreme cases have been adduced,* which are unfairly put forward as a sample of juvenile crime, and of the cost which has been incurred in the endeavour to repress it. But we shall not be led away by fallacious arguments, where the conclusion covers far more ground than the premises. Individual cases may be fairly used as illustrations of positions that are fortified by other arguments, but they cannot be accepted as the ground of great general deductions. We are prepared to show that, as compared with the cost of treating crime on the old plan, Reformatory Schools are a vast extra burden upon the tax-paying community.

In the first place, it must be noted that the cost of a prosecution which ends in sending a culprit to a Reformatory must be exactly the same as the cost of that which issues in a committal to gaol. There is a preliminary incarceration also, in the case of committals to Reformatories, so that the gaol expense is never, under any circumstances, curtailed, so far as the first fortnight is concerned. It is the same in both. We may also remark that first committals probably seldom exceeded fourteen days, unless for aggravated crime, before the introduction of the Reformatory system. Now, in comparing the statistics of juvenile crime from 1853 to 1860, we find that only one in eight was ever re-committed to gaol. The average ratio of committals to re-committals is 8 to 1. Hence in comparing the expenditure of the gaol economy with that of Reformatories, we must consider the expense of *eight* in a Reformatory as against *one* in a gaol. Seven out of every eight were reclaimed by gaol discipline, whereas the country is saddled with an additional sum of £140 for every one of these in a Reformatory—that is, five years at £28 per annum. The advocates of Reformatories, of course, maintain that every juvenile offender should be sent at once to a Reformatory, and, if so, we have no hesitation in saying that seven out of every eight should never be there at all, as they are only burdening the country with the cost of a supererogatory reformation.

Suppose the whole juvenile criminals of 1857 had been sent for five years to Reformatories, to the number of 3,544, their expected reformation would have cost the sum of £496,160, over and above the expense of prosecution, incarceration in gaol for fourteen days, and travelling expenses of themselves and the turnkeys in charge of them to the place of permanent detention. Now of that sum, £435,260 might as well have been thrown into the bottom of the sea, for 3,109 of those juvenile criminals were reformed by a few weeks of gaol detention. And yet we are told that the Reformatory system is a saving to the country! After this, we may expect

* See Mr. Murray's Pamphlet, page xxxix.

to hear black proved to be white, and a part to be greater than the whole.

The whole scheme is fundamentally wrong; and if a Reformatory agency is to have operation in the country, (as we think it ought,) there must be a complete reconstruction of the machinery, so that its practical working may not laugh to scorn the benevolent aims of its promoters, and the country be satisfied that their funds are not being wasted upon a worse than useless experiment.

It is sometimes argued that, when philanthropic individuals give their money and their time in the erecting of buildings for Reformatory purposes, they have a just claim upon the generous countenance and support of the State in their laudable and unselfish endeavours. We have simply to say in reply to this, that no amount of self-sacrifice on the part of good men can consecrate what is wrong in itself, or can sanctify a manifest injustice. Either £28 per annum for each pupil in a Reformatory Institution is too much or it is not. If it be not too much, then no special pleading about self-sacrifice and unselfish philanthropy is needed to justify it. But if it is too much—if it is an extravagant expenditure—we do not care that the three-fourths of it were subscribed by the managers and friends of Reformatories, we would protest against giving the additional one-fourth out of the public funds, because we should rest satisfied that there was “*a screw loose somewhere.*” To us it is a matter of comparative indifference whether a part is subscribed by voluntary effort or not—we deal with the great principle, that crime should not be placed above poverty, above labor, and above misfortune. We have proved that it is better treated than all these; and we now want to know the reason. We want to know why a Union Workhouse—an Hospital—an Institution for the Dumb and Blind—an Asylum—should cost less than a Reformatory. Unless the leak is speedily discovered and stopped, the ship must go down. A few years of the present recklessness will seal the doom of Reformatories in Ireland for the next half century.

CHAP. VIII.

POWER OF MAGISTRATES.

The Act leaves in the hands of magistrates a discretionary power, which is hardly wise, however boundless may be our confidence in the administrators of the law. We believe it was originally the intention to confine the prerogative of sending criminals to Reformatories to Judges of Assize, Judges of Quarter Sessions, and the Divisional Justices of the Dublin Metropolitan Police Dis-

trict, so as to minimize the opportunities for abuses. But before the measure became law these powers were extended to "any Justice or Justices of the Peace at Petty Sessions," with the view, we suppose, of facilitating the committal of juvenile offenders ; but this extension has very materially widened the avenue to abuses and mistakes. It is as unfair to magistrates themselves as it might at some future time be unsafe for the interests of the community to leave a discretionary power on points of extreme delicacy, or of grave importance.

1. Cases occur where, it appears, the magistrate has the power to prescribe the *religion* of the culprit, provided such culprit is not sixteen years of age, and is the offspring of a mixed marriage. This is clear from the letter of the Under Secretary to the Rev. John Macnaughtan, of Belfast, in reference to the child Nancy Crawford. Major Larcom writes, that "the Reformatory Act provides only for the case where the parents or guardians are of the same religion. It does not provide for the case where the religion of the parents is not the same, or for the case of a surviving parent."* So, according to this Act of Parliament, the child of a mixed marriage is supposed to have no religion at all, until the magistrate gives it one. The choice of the child goes for nothing. The wishes of a surviving parent may be contemptuously scorned ; if one parent said nothing on the subject and the other expressed an anxious desire that the child should be brought up in a certain creed, it would avail nothing. The Act makes no provision for such a case, and the fiat of the magistrate would stand against all the protestations of an injured faith. It needs no second sight to detect in this clause of the Act, as interpreted in the Under Secretary's letter, an engine of proselytism, provided magistrates were disposed to avail themselves of it. Nor need we have any delicacy in saying that men might reach the Irish Bench who would not think it any risk to their soul to serve their church, and whose "discretionary power" would be as unvarying as the needle to the pole, in sending criminals in one direction. It is not for us to say that the authorities at Dublin Castle are infallible in their interpretation of an Act of Parliament, or that in the present instance their law would be endorsed by the whole bench of judges ; but whether or not, they have decided that the Act does not provide for the case of mixed marriages, and in one memorable instance this very defect has served to screen the most wanton proselytism. The Under Secretary may be wrong in his opinion, but we submit that it is rather awkward to have an Act of Parliament so ambiguous on the delicate topic of Religion as to puzzle and mislead the very Castle of Dublin. The framers of the Act told us that it was to be so transcendently explicit on all religi-

* See page 45 of this Pamphlet.

ous matters, that disputes on that score would be impossible ; whereas it turns out that the highest authorities in the land are at sea in the interpretation of its religious clauses, and run full tilt against the opinions of other lawyers, who are rash enough to undertake the task of expounding it. We hope the legislature in remodelling the measure will take care to abolish the prerogative which the Under Secretary of State for Ireland alleges the present Act confers on magistrates—that of prescribing a religion to certain juvenile subjects of her Majesty.

2 The discretionary power of which we have just complained, is rendered the more dangerous and suspicious by the provisions of the 8th and 9th clauses of the Act, which are as follows :—

“CLAUSE VIII. It shall not be necessary, *at the time of passing sentence*, for any such judge or court *to name the particular school* to which such offender is to be sent, but it shall be sufficient for such judge or court to direct that such offender be sent to such school (being a school duly certified under the Act, and the directors or managers of which may be willing to receive him), as may *thereafter* and before the expiration of the term of imprisonment (if any) to which such offender has been sentenced, be directed by one of the judges or by the justices of the court before whom such offender shall be convicted.

“CLAUSE IX. Any such court, having made an order under the authority of this Act for sending any offender to any Reformatory, may make a *supplemental order*, if the court shall so think fit, at any time thereafter, and before the expiration of the term of imprisonment (if any) to which such offender has been sentenced, *exchanging* the name of such Reformatory for the name of any other Reformatory to which such offender might in the first instance legally have been sent, provided the directors or managers of such Reformatory be willing to receive such offender, and such offender shall be sent to such last-mentioned school accordingly.”

A secrecy is here sanctioned which is as offensive as it is unnecessary. The judge or magistrate has only to make a general order in public, but his “particular” order may be made in private. He must tell before the world that the child is to be sent to a Reformatory, but in the solitary cell of the prison he may tell the child where his next five years are to be spent, the public and the friends of the child knowing no more about its destination than if it were spirited away in the dead of night by a gang of kidnappers, or by the emissaries of the Holy Inquisition. But there is a lower deep still in these dark clauses. The magistrate may say one thing in public, and he may say another thing in private ; for he has the right to “change the name of the Reformatory” provided any hitch occurs in subsequent negotiations with managers, or should he begin to think that he had not made a “legal” selection in public court. In this way the proceedings of a court of justice may become a mere sham, whilst the private arrangements and decisions subsequently made may contain the marrow of the whole case. We claim publicity in every particular. What right has a magistrate to incarcerate a child for five years in a place that may be utterly unknown to the parents of the child, and where it may be trained in a religion alike repugnant to the conscience of both parent and child ?

Reformatories should be so under government control that magistrates would never be stultified and foiled in their sentences ; and such care should be taken at the time of trial to discover the facts of the case, that no reversal of the sentence should be required during the preliminary incarceration. These difficulties, however, arise solely and entirely from the sectarian and irresponsible character of Reformatory Institutions, and to remedy these evils a complete reconstruction of the system will be required. If all Reformatories were non-sectarian, the magistrate could make no mistake in the matter of religion ; and if all were under government management and control, there would be no defeat of justice or nullifying of sentences by the refusal of committees to receive convicts. Their reception should be as certain as their sentence. It must be humiliating to a magistrate to be hawking his convicts by letter here and there, seeking an asylum for them in this Reformatory and that, perhaps, in the long run, to find his petitions and his convicts ignominiously rejected. Does this consist with the dignity of justice ? Is it either discreet or dignified to make private and irresponsible committees the final arbiters of the sentences of our legal tribunals ? If we were magistrates, we would resign our commission sooner than be compelled to go as suppliants to Reformatory managers, praying them to help us in giving effect to the law, at the risk of being thrust from the door of arbitrary and discriminating philanthropy.* It is known to some that there are magistrates in Ireland, who, rather than subject the law to such humiliation, have determined that they will be no party to the sentencing of juvenile criminals to Reformatory Schools, at least until such time as the power of reversing or stultifying their sentence is taken out of the hands of private associations. We believe such magistrates really understand the genius of British Law, and are the worthiest guardians of its dignity and interests. In whatever way these private negotiations are viewed, they are repugnant to the judgment and feelings of the country, and, in an amended Act, they must be cancelled.

* So much aggrieved did the Recorder of Dublin feel sometime ago that he stated from the Bench "that he would not in future send any cases to the Glencree Reformatory, as the managers had, in two cases recently, refused to receive persons whom he had sentenced to be imprisoned, and afterwards sent there."—*Daily Express*, Dec. 19, 1860. In the following month, addressing the Grand Jury, he is reported to have said in reference to these cases—"I had to guard my own judicial sentences from being set aside by a *private and irresponsible tribunal*, however respectable and well-intentioned."—*Express*, Jan. 16, 1861.

CHAP. IX.

PROTRACTED IMPRISONMENT INJURIOUS.

There is a wide-spread feeling throughout the thinking portion of the community, that the period of *five years* to which a youthful convict may be sentenced is quite too prolonged for Reformatory purposes, unless under very peculiar circumstances. It is a serious matter to incarcerate a boy during the best portion of his life, at a time when, having abandoned youthful recklessness and crime, he might be paving the way for a career of usefulness and self-reliance. It is a fallacy to suppose that five years in a Reformatory constitute a good preparation for the activities and exertions of life, or that such a lengthened period of confinement is essential for the reclamation of character. We have seen that in seven cases out of every eight, juvenile offenders have been reformed by a few weeks' detention in gaol, and then they are prepared to go forth to walks of industry and to lives of honest effort. Having tasted the worm-wood and gall of severe gaol discipline, seven-eighths are never convicted again. The Reformatory power of gaol discipline upon first offenders has been singularly and systematically overlooked by every advocate of the new economy, on the platform and in the press. We do not insinuate an intention, on the part of honorable men, to suppress the truth for a purpose, but they ought at least to remember that a great cause cannot derive permanent benefit from an unintentional forgetfulness of facts on the part of its advocates. For example, we find no less a personage than the Attorney-General for Ireland, falling into a grave omission in his eloquent and masterly address before the Social Science Congress in Dublin. Mr. O'Hagan's integrity as a man is probably not even surpassed by his distinguished position as a lawyer, and it is on this account all the more necessary that the fallacies of his reasoning should be exposed. Speaking of the success of the Reformatory economy, he is reported to have said—"Already the indications are in the highest degree encouraging. Comparing the years 1858 and 1859, we find the reduction of the number of juvenile committals to have been very great— $30\frac{3}{4}$ per cent. less for boys, and for girls $9\frac{1}{2}$ per cent., in the latter year than in the former. And on a comparison of 1859 with 1860, the committals shew a reduction of 13 per cent. as to the boys, and 11 per cent. as to the girls. These results appear to me to tend to the conclusion that the action of the system, although still only in its infancy, is vigorous and healthy."*

Any ordinary reader, whose information reached no farther than the extent of the Attorney-General's speech, would at once infer

* From the Belfast *Daily Mercury* of Aug. 20, 1861.

from these representations, that crime had been reduced by the influence of the Reformatory agency ; that a diminution in committals had set in as soon as these institutions were established in the country. But, what is the fact? It is this, that in the very year that Reformatory institutions began to take effect, the rate of decrease began to be arrested. From 1853 until 1858, committals had decreased from 13,338 to 2,315, or at a yearly average of about 30 per cent., whereas in the two subsequent years, during which Reformatories were plying their energies, the average rate of reduction in crime had gone down to 20 per cent., and in the latter of the two years (1860) it was only 12 per cent. upon the preceding! *

These are figures which ought not to have been withheld from the auditory of the Attorney-General at the Social Science Congress in Dublin, and ought not to be concealed from the public. Does the Reformatory cause need a suppression of facts? If the argument from the reduction of crime is of weight, we claim it for the old system, which produced a far more rapid diminution than has been effected by the new *régime*. And if refuge is taken by Reformatory advocates, among English statistics, and an appeal made to the reduction in committals since the establishment of Reformatories, it is sufficient to reply that, during the same years, crime was reduced more rapidly in Ireland without them. If criminal statistics are to decide between the old system and the new, the case against Reformatories is as clear as the noonday; and if the question is to be decided on other grounds, then we protest against one-sided parades of figures, which for a time mislead the public, although, it is true, they must eventually ruin the cause which they are intended to fortify. It is to be hoped that the Attorney-General's French statistics are a little more impartial than those we have quoted, but with the experience we have had of his fallibility in one particular, we will be excused for wishing that the learned gentleman had an opportunity of verifying his foreign figures by a public cross-examination of the "French Minister of Police."

As we are now dealing with the results of the system, or with the reformatory powers of Reformatories, it may be as well to state that we have examined the official reports for England, and have discovered that as large a proportion of "reformed" youths have returned to crime in that country, as have been re-committed in Ire-

* It should be kept in view that, had the reduction continued at the average of previous years, it would actually have appeared *greater* in the years 1859 and 1860, in consequence of the numbers that had been withdrawn to Reformatories from the class likely to be committed. But instead of the reduction being greater, it was one-third less than in former years. We are astonished that the Attorney-General should have appealed to statistics which strike at the very root of his own argument, and which could only avail him in the mutilated state in which he was pleased to present them.

land after being once in gaol. In other words, the discipline of the gaol in a few weeks has reformed as many of its juvenile inmates, as the Reformatories in England have done with their five years of expense, imprisonment and training. One in nine of Reformatory pupils in England has been re-convicted, and that is about the proportion of re-committals in Ireland under the gaol system. Then, of those discharged from Reformatories in England, besides the recommittals, a large proportion are reported "doubtful;" some "emigrated," and are not likely to be heard of, though they may remain in criminal ranks; a great many have "enlisted," which they might just as well have done before they entered the Reformatory; an equal number have "gone to sea," though why they should be retained at school till they were 21 years of age before being sent to sea, it is difficult to imagine; a considerable number have "absconded" from the schools, and, strange to say, several of these are reported "doing well!" Upon the whole, comparing the results of Reformatories in England with the results of gaol discipline in Ireland, the balance is much in favour of the latter. People who have been led away by the persuasiveness of Reformatory rhetoric will scarcely credit what we have stated; but the figures of official reports cannot be obliterated by the most eloquent speeches that ever were delivered. One stern fact would disfigure ten columns of oratory.

Such being the actual results of the new system of treating young criminals, we object to the needlessly prolonged incarceration to which it subjects them. We believe some of those who have most deeply studied the subject agree with us in this opinion. The period of imprisonment is frequently out of all proportion to the magnitude of the offence committed. For example, a boy absconded from the South Dublin Union Workhouse, and stole the clothes that were on him—in other words, he did not abscond in a state of nudity—for this offence he was sent *five years to a Reformatory!* A boy aged 15 years was convicted of stealing a glass bottle, value one penny, and was sentenced to be imprisoned *five years in a Reformatory!* It is perfectly monstrous to inflict such a penalty for such an offence. "A childish culprit," says the *Belfast Northern Whig*, "may come before a magistrate charged with petty larceny. The extent of the penalty prescribed by law is a fortnight's imprisonment in gaol; but to this punishment the magistrate may now superadd confinement in a Reformatory for five years, or any shorter period at his discretion. This, it may be argued, is for the child's good; also—*although often erroneously*—intended to prevent his becoming a confirmed offender. The confinement in a Reformatory is nevertheless a punishment; and the power of adding five years' confinement to the legal infliction of two weeks' imprisonment, is an enormous enlargement of penal power, and a most grave

and serious addition to magisterial authority." The same eloquent and able writer further observes, in reference to an actual case—"Justice in this case saw no need for mercy, and for five long years mother and son will meet no more. * * There is something in the heart which jars at the thought of the mother separated from her child perhaps for ever—for five years is a long time, full of many changes, and with many risks in the lives of the poor."*

Mr. Baker, of Hardwick, whose name is deservedly mentioned with respect in all earnest discussions on the Reformatory question, thus states the result of a long experience—"I much wish that magistrates would try and examine into the usual effect of a ten days' sentence, in cases of first convictions." In fact he "calculates that one-half of the present cost of Reformatories would be saved to the public by a more judicious use of these institutions, and a more frequent trial of a short imprisonment, or a school-whipping for a boy's first offence."† He frankly admits that the advocates of Reformatory Institutions have pushed their advocacy quite too far, and warns the nation not to regard the new economy as a panacea for juvenile delinquency. Such expectations must inevitably end in disappointment, and it is greatly to be feared that a reaction will set in against reformatory efforts altogether, the nation not taking the trouble to distinguish between a principle, right in the abstract, and the same principle misrepresented and caricatured in its present mischievous operations. If unhappily, through the certain failure of the existing system, there should be a return to the gaol severities of former times, from which our country had emerged, the guilt will lie at the door of those who have taken Reformatory training out of its proper place, by making it the standing specific for all moral disease, and urging its indiscriminate application to all youthful delinquents. There is not more than *one in ten* of the juvenile criminals of Great Britain and Ireland that should ever be sent to a Reformatory at all; and when this fraction were sent there, there is no valid reason why their reformation should not be accomplished in half the time which the Act allows, and which magisterial authority commonly prescribes. The idea of sending a boy, who stole a "penny bottle," five years to a Reformatory prison, is a travesty upon British justice, and an insult to common sense. An ordinary "school-whipping," as Mr. Baker suggests, would be a more effectual remedy for such an offence, and could be done at much less cost than £140, the sum expended in a five years' incarceration. When young men, twenty-one years of age, come out of a Reformatory, matured in a state of dependence upon others; untrained to enterprize; fed, clothed, and educated at the public expense; ignorant of the value of their own time and labor; mere

* *Northern Whig*, Nov. 28, 1859.

† Mr. Turner's Report.

machines, having had, during their five best years, no motives for exertion, and no definite aim through life; slaves to the will, and, perhaps, to the caprices of other men; is it at all likely that they will ever become active and useful members of society? Reason and experience forbid the expectation. What is generally done with those who have gone through their Reformatory training in full tale? They are either sent "*to friends*," or they are sent "*abroad*," or "*to sea*," or they "*enlist*;" whereas not more than one-fifth of all who have been discharged from English Reformatories have been "apprenticed or sent to service," and only one-seventh are giving satisfaction in service or apprenticeship. We admit that the drilling of a Reformatory for five years may make a young man ready for "enlisting" or "going to sea," but that is a poor achievement, after all the pecuniary sacrifices of the country, the wasted years of the convicts, and the anxious vigilance of large-hearted and benevolent men. We have here indicated a feature in the system which has not received that attention which it deserves; and when the system is amended (as it must), the legislature should take care to curtail magisterial power to crush the liberty of the subject for such a lengthened period.

CHAP. X.

HOSTILITY TO THE IRISH REFORMATORY ACT.

One would imagine from the paper of the Right Honorable the Attorney-General, read at the Social Science meeting in Dublin, that the system was a universal favorite. In one place he says that its peculiar features met with the "*entire concurrence* of men of various creeds, and parties in and out of Parliament, who *took part in the promotion of the measure*." It is not hard to believe that the men who promoted the measure concurred in its provisions! But a greater draft is made upon our credulity when we are told that "the Irish Act has been worked *on all sides* with great energy and remarkable success." The right honorable gentlemen's auditory might have been led to infer that the whole population of Ireland were enthusiastically in love with the Reformatory Act. We do not allege that this was expressly asserted, but an impression to this effect would naturally be left by the congratulations about "concurrence," and the energetic working of the Act "*on all sides*." That some "*sides*" were in an attitude of protest against the Act, from beginning to end, will presently appear. If we can show that the leading Press of Ireland, and some of the most in-

telligent and independent public bodies in the country, have always opposed it, we shall surely be held to have refuted the vague assertions of the Attorney-General. Not to speak of the opposition which the Bill encountered in passing through Parliament, we shall confine our attention to the opinions it has gained for itself since it became the law of the land.

I. THE PRESS.

The Londonderry *Sentinel*, one of the most influential Conservative journals in Ireland, has never ceased to point out the dangerous shoals, in the Reformatory sea, upon which the country has been drifting for the last three years; and its leading articles on this question have been uniformly characterized by perspicuous statement and unanswerable argument. As the result of unremitting attention to the working of the Act, the following is the conclusion to which the *Sentinel* has come:

"We repeat that the Reformatory system requires to be reformed."—Jan. 4, 1861.

The Londonderry *Standard*, a leading Liberal journal, has, from the hour the Bill was first introduced down to the present moment, lost no opportunity of exposing its obnoxious provisions, and has never failed to checkmate its advocates. From a late article we make the following quotation:

"The Right Hon. the Attorney-General for Ireland, with his usual ability and brilliant eloquence [at the Social Science Association] advocated the Reformatory cause, though without meeting as much as one of the fundamental objections which we ourselves have constantly urged against the system."—Aug. 22, 1861.

The Derry *Guardian*, a journal of Conservative politics, has never deviated from a course of hostility to the measure.

"The whole system is just a scheme for the aggrandizement and extension of Romanism in Ireland."—May 22, 1860.

The following is the language of the Derry *Journal*, in reference to the measure, when before the legislature:

"Mr. Deasy's very objectionable bill has, as we have said, been read a second time."—May 19, 1858.

The Belfast *News-letter*, in which two able articles recently appeared on the subject of English Reformatories, says, in relation to the system in general:

"We want uniformity of plan and adequate public responsibility, neither of which can be said to exist at present; and, if the Reformatories are to be worked properly, they must sooner or later be placed under government control. It must be put out of the power of religious orders to form flourishing convents and monasteries, to be indirectly supported out of the public purse. It must be put out of their power to refuse admission to any child sent by the proper authority, whether on the score of being too young or too incorrigible. If the government had the exclusive control of Reformatories, we should not have the anomalies and the expenses of the present system."—Sept. 3, 1861.

The *Belfast Daily Mercury*, an independent journal, uses the following language, after a rigid analysis of the act, in its practical operation :

"These are startling facts, and they tend to show *the rottenness* of the present Reformatory system. It is perfectly absurd to suppose that, while in gaols all religious mix—while in national and other schools no sectarian differences are allowed to prevail, Reformatory schools should form the exception. We are clear that it is the duty of the intelligent Protestant community to agitate the question, in order that Reformatory schools may be placed on a safe and sound basis."—May 5, 1860.

The *Belfast Northern Whig* has issued some most vigorous articles on the question. In a powerful leader on "Reformatories in the Union Workhouses," the following sentence concludes :

"Now that there is room, and to spare, in all the Irish Workhouses, every exertion should be made to test the principle there, instead of permitting the *Deasy* dodge to corkscrew itself into a mischievous reality."—November 18, 1859.

The *Banner of Ulster* has been as emphatic as any of its contemporaries in its condemnation of the Irish Act :

"We cannot at present prosecute the subject farther ; but we have said enough to show that the Reformatory Schools Act is not that wise, liberal, and beneficent measure which some persons affect to believe. We trust that an energetic and united effort will be made to have such essentially vicious legislation wiped out of the statute book."—Feb. 28, 1860.

The *Sligo Independent* thus states its views of the system :

"We say advisedly, after a careful perusal of its contents, that no Protestant, no matter to what denomination he may belong, ought to assist in the establishment of a Reformatory School, based upon the principle laid down in Mr. Serjeant Deasy's Act."—Oct. 29, 1859.

The *Dublin Daily Express*, speaking of the expenditure in Reformatory Institutions, says :

"When the State seizes upon one of her Majesty's subjects as a criminal, and consigns him to a *prison for five years*, or one year, or any length of time, he should be in the custody of responsible parties—public officers, paid by the public and accountable to the public. But these schools, though public in their objects, and executing the law, are private in their origin, and under voluntary management, not State control. This we hold to be an *anomalous and inconsistent* state of things. No voluntary association ought to have the expenditure of the public money ; no private organization ought to be intrusted with the punishment of crime."—January 8, 1861.

The *Fermanagh Impartial Reporter* thus fearlessly launches its opinion :

"*The Reformatory system seems to be a huge job.*"—March 28, 1861.

The *Coleraine Chronicle* advocates the placing of Reformatories on a united basis :

"It has been well argued that our Union Workhouses should be used as such. It is a good suggestion, and comes in good season."—April 10, 1858.

The *Cork Southern Reporter* speaks as follows:

"But when we come to those cosy nests, the Juvenile Reformatories, matters are much worse, the contrast more painfully evident. In some of those establishments, the nation has to pay eight shillings a week for the support of each young

criminal, while the Orphan Societies, in which are reared and educated many of the children of respectable parents, don't cost one-fourth of the sum."

The *Liverpool Daily Post* waged an honorable war against the arbitrary powers of Reformatory managers, in the case of the boy Stephenson, confined in the "Akbar" hulk at Liverpool. We must refer the reader to a pamphlet, subsequently published, which contains the history of that memorable struggle, and whose pages will remain a witness, at once to the persevering efforts of the Rev. Mr. Hains and of the Editor of the *Daily Post*, and to the suspicions that are liable to be excited by irresponsible power.

II. PUBLIC BODIES.

The GENERAL ASSEMBLY of the Presbyterian Church in Ireland, which represents nearly half the Protestants of Ireland, unanimously passed a resolution condemnatory of the Act, at its meeting in Belfast in July, 1860. This resolution was to the following effect :

"Whereas an Act of Parliament is now in operation in Ireland, entitled an 'Act to Promote and Regulate Reformatory Schools for Juvenile Offenders'; and whereas said Act is opposed to the system of united education which has proved so beneficial to the people of Ireland, as it provides that Reformatory Schools shall be private and sectarian establishments, rendering abuses easy, and their correction difficult; whereas also the expensive provision made for the care and maintenance of criminals, when compared with the sums expended in Union Workhouses, is a strong temptation to the commission of crime, it is agreed to take such measures as may seem fit, with a view to the amendment or repeal of said Act."

By this resolution, which was re-affirmed at their late meeting, the entire General Assembly is committed to hostility to the obnoxious measure, and its operation in the North of Ireland, on any considerable scale, is therefore utterly hopeless.

A petition was forwarded to the House of Commons from LONDONDERRY, in March, 1860, praying for a repeal of the Act, signed by the Mayor and 252 of the leading citizens of different denominations.

The Irish CONGREGATIONAL UNION also petitioned against the measure.*

The NON-SUBSCRIBING ASSOCIATION, at their late meeting in Dromore, condemned the system.

The SYNODS of Belfast and of Derry and Omagh passed strong resolutions against it.

* See Londonderry *Sentinel*, July 2, 1858.

III. INDIVIDUAL TESTIMONIES.

We shall now quote a number of influential testimonies, all bearing directly against the Reformatory system, as by law established in Ireland.

"While speaking of the Institution on whose behalf they were met, and of its non-sectarian character, *he wished to guard himself against approving generally of the present Reformatory Act.*"—The Lord Bishop of Down and Connor. *Northern Whig*, April 30, 1861.

"It is most scandalous."—Rev. H. Cooke, D.D., LL.D. *Banner of Ulster*, May 10, 1860.

"It is a most iniquitous piece of legislation."—Rev. J. Rogers. *Banner of Ulster*, May 10, 1860.

"With regard to the Workhouse Schools and Reformatory Institutions, the anomaly presents itself of providing a better and *more careful training for the criminal boy*, and for the children of the destitute, than can be obtained for the *family of the labourer* by his own industry and economy—an anomaly discouraging to his industry and self-denial, and impressing him with a sense of injustice."—Sir John G. Shaw Lefevre.*

"He believed this system of Reformatory Schools to be highly objectionable."—Rev. William M'Clure. *Derry Standard*, Feb. 2, 1860.

"It behoves all sound Protestants in Ireland to unite for the alteration or entire repeal of this Act."—Rev. James Denham, D.D. *Derry Standard*, May 17, 1860.

"*It was such a crying abomination in the sight of God and man, that it must be swept from the earth when it was understood.*"—Rev. H. Montgomery, D.D., LL.D. *Derry Sentinel*, July 26, 1861.

"*A piece of amateur legislation.*"—The Right Hon. the Recorder of Dublin.

Similar testimonies from the Press, public bodies, and eminent individuals in Ireland, might be quoted to an indefinite extent; but sufficient have been adduced to show that there is a deep and widespread hostility to the present system, among persons of all creeds in the country. To use the language of a noble lord, it has inspired a large portion of the community with "disgust," and has secured for itself, by its bad principles and worse practices, the repugnance of all reflective and impartial minds. Some, it is true, cherish it as their only legislative child; others guard it as the wedge that is to split up and shatter united education in the land; another class fondle it as an engine of proselytism; a portion may see in it resources of wealth not to be despised; but those who are neither warped by prejudice nor avarice can only discover in it a system that will sap the morals and the educational establishments of our country.

CHAP. XI.

ENGLISH REFORMATORIES—A BEACON.

The views which we have presented in the preceding pages are singularly corroborated by the actual working of the system in

* Speech at Social Science Congress in Dublin.

England. The last Official Report of Mr. Turner, Inspector of English and Scotch Reformatories, contains statements as damaging to the existing system, as anything we have ourselves said in our strictures upon the Irish Act. This Report—at once full and faithful—may well serve as a beacon in all future legislation. In every instance where the Inspector points out or deplures defects and abuses, the evils complained of arise out of features in the system, wherein the English and Irish Acts agree. There is not a single objection we have adduced against the Irish Act which does not find support and illustration in the valuable Report which now lies before us. For facility of reference, we shall classify our quotations from the official document so as to indicate at a glance their correspondence with the views propounded in these pages. It will then be seen that we have not been dealing with fancies, but that our arguments are endorsed by official experience.

I. IRRESPONSIBLE COMMITTEES, AND ARBITRARY MANAGEMENT.

We have heard the Recorder of Dublin, and the Inspector General of Prisons in Ireland, speaking on this subject;* and it is satisfactory to find their opinions confirmed by Mr. Turner, Inspector of Reformatories in Great Britain.

Speaking of the want of uniformity in different Institutions respecting the admission of boys, Mr. Turner says:

“It is certainly more reasonable that a boy should be refused, because his offence is so trifling or his age so childish, as to render the remedial process of a Reformatory needless, than, as not unfrequently happens, that he should be rejected because he is *likely to prove too troublesome to manage*, or is supposed to be too hardened to be reformed.”†

Some managers, it appears, refuse boys, because their offence has been “trifling,” and their age “childish,” whilst others reject all applicants whose crime has been of a serious character, or whose reformation would be “troublesome.” One set of managers say that Reformatories were never intended for trifling or childish offenders; another set say, that they would be of no use to gross offenders; and, between the two, the Government Inspector seems fairly bewildered, though he evidently inclines to the opinion that these Institutions were intended for *bad* boys. If they were under complete Government control, there would be no room for these conflicting practices and arbitrary rules of management.

In reference to discipline, the Report says:

“Cases of ill-usage and improper punishment, calling for serious inquiry and interference, have occurred.”‡

“The regular display and repeated use of the cane, which I have met with here

* See *Supra*, p. 20.

† Report, p. 11.

‡ P. 19.

and there, are quite in contradiction to the spirit of the Reformatory system, and, in the case of girls especially, should be as needless as they are unjustifiable.”*

“There has been an amount of illness and mortality in this school which has given me much anxiety. It arises, I believe, chiefly from the want of active exercise, and too rigid a confinement within the boundaries of the institution.”†

“The confidence and satisfaction with which I have hitherto regarded this Reformatory were very unpleasantly disturbed in December last, by the *discovery* that a boy had been grossly ill-treated in one of the departments of the school, and that his ill-usage had been passed over without serious notice.”‡

Here, then, are the very abuses to which we said the Irish Act was liable, through inadequate superintendence. The Inspector employs a significant word in reference to one of the cases of bad treatment. He says he made the “*discovery*,” suggesting the idea of concealment. How many “discoveries” of this kind might there be if his visits were frequent enough to some schools! Many of the schools were visited only *once* during the entire year, and will any one affirm that such supervision is adequate to the exigencies of the case? There is no local inspector, no board of superintendence with a shadow of responsibility, no responsible party to whom an injured inmate can make his grievance known; and before the Inspector General comes round, his spirit may be so broken, that complaint will be out of the question. Is this British justice? Is this fair play? One visit in the year is not enough to make all the “discoveries” that ought to be made. Why, Reformatories will, by and bye, be no better than so many bastiles for the hapless juvenile offenders of Britain. Attractive by their lavish expenditure, and some of them, no doubt, homes of comfort or even of luxury, yet cases will occur where, through their private and irresponsible character, the foulest oppression will be practised. If this be benevolence, then we dare to say, let benevolence step aside and make way for justice—let national righteousness take the place of suspected philanthropy. We fear arbitrary power even when its hands are filled with gifts. Like the false prophets of old, it is possible that committees might hereafter be formed, who, though appearing in “sheeps’ clothing,” would be “inwardly ravening wolves.”

The arbitrary powers of managers are strikingly illustrated by the discrepancies of expenditure in different establishments. It appears from the English report that in the item of Food alone, the weekly cost per head varied from 3s 11d to 2s for boys, and from 3s 8d to 2s 1d for girls. We are utterly at a loss to understand how a loaf, a pound of beef, or a gallon of milk, should cost nearly twice as much in one place as in another. The difference in the number of inmates could make no appreciable difference in the article of food for each individual. Again, “the cost of clothing per head varied for boys from 1s 6d to 5d per week, and for girls from 1s 5d to 4½d.”|| Does it ever occur in gaols or Union Work-

* Report, p. 20.

† P. 1.

‡ P. 47.

|| P. 101.

houses that, in the item of CLOTHING, each inmate in one establishment should cost nearly *four times* as much as in another? Under any circumstances, £3 18s per annum for each boy is too large a sum to be expended in the article of clothing. Meantime, however, we call attention to the discrepancies of expense in items that ought to be well-defined and uniform, as illustrating the uncontrolled character of Reformatory management.

II. MORAL TENDENCIES AND RESULTS.

The English Reformatories are absorbing a class of children, comparatively innocent and of tender years. The Inspector speaks strongly against this abuse. He says:

“Reformatories will no doubt require to be enlarged instead of being reduced, and the number of their inmates may be expected to increase instead of diminishing, if children of *so young an age and so innocent a class* are to be received so freely into them.

“I cannot think also that it is *just or morally expedient* to mix together in the same school the mere half-trained child, who has pilfered a few pence, or *stolen some sweets or pastry*, with the astute experienced young thief, whose depredations have been systematically carried on, as a chosen means of livelihood.”*

It is very much to be feared that Reformatories will thus become training-schools of vice, as one “astute young thief” will be able to indoctrinate a dozen of the “innocent class.”

Of Red Lodge School for girls, Bristol, we read:

“Of 33 girls who were discharged or placed out in the five years since the school was opened, 27 were in the Reformatory for a full average period; * * * Of these, 11 are doing well. Of the whole number, including 6 discharged as incorrigible, 15 are doubtful in character, or have passed beyond Miss Carpenter’s observation, and 7 are known to have relapsed.”†

“I need not say that the complete isolation of the girls in Catholic Reformatories, and their close confinement within the limits of the institution, however favorable to the enforcement of obedience and order, make the girls’ discharge and re-entrance into the temptations and excitements of common life much more difficult and dangerous, and *I look forward with anxiety to the results of the release of many who have been hopefully reported of while in the school.*”‡

Of the total number discharged from English and Scotch Schools, to December 31st, 1859, rather more than one-half are reported “doing well,” and one-ninth have been again “convicted of crime.” As compared with old gaol statistics, these results are very discouraging. A report even far less favorable than this might be quoted, in the case of individual schools, such as “Home in the East,” Northampton, &c., where *one-fifth* of the “reformed” pupils have been “convicted of crime” after their final discharge. We could scarcely, in fairness, expect better results from *Hard-*

* Report, p. 9.

† P. 34.

‡ P. 41.

wicke, inasmuch as Mr. Baker accepts only such boys as are of really bad character; yet he appears to be as successful as many other managers, who select the inmates from the comparatively "innocent class." Mr. Baker's enlightened conscientiousness deserves the encouragement of a better system; for it is a pity such a man should be compelled to battle against the crudities of "amateur legislation."

The reader will remember that we spoke of Reformatories holding out inducements to parents to obtain a place for their children within their walls. Mr. Turner's Report, with singular distinctness, corroborates this opinion. Speaking of a Scotch School, he says:—

"When the instruction is so good, and the children are so *well cared for*, there is an evident danger of the *schools becoming attractive to careless and negligent parents* of a better class, as to means and circumstances, than it is intended or would be right to assist by them. In this point of view I regret the *handsome buildings*, the uniform like clothing which the children wear in the school, and the *band* which has been formed among them. I fear they may act unfavorably upon the parents, and make it rather a *mark of distinction than of inferiority to attend the school.*"

The country should ponder well these significant words.

III. SECTARIANISM.

Mr. Turner bears valuable testimony to the soundness of the views we have all along advocated in reference to united education. The "United Industrial Schools," Edinburgh, are conducted on this principle, and so impressed is the Inspector with its salutary action, that he speaks of it in the following terms:—

"Valuing the principle on which the school is conducted very highly, I rejoice very much to find that it has yielded such satisfactory fruit, and I heartily wish that we may be able to act on the same system of *associating and combining Catholic and Protestant children in charity rather than of separating and distinguishing them in rivalry, in the English Industrial Schools.*"*

We commend this enlightened testimony to the serious and respectful consideration of all who advocate sectarian or denominational rivalry, in connexion with the criminal jurisprudence of Ireland.

IV. EXPENDITURE.

The Report of Mr. Turner reveals some strange facts and figures under this head. The average annual cost of each child under detention in England and Scotland was £25, or thereabouts, for the

year 1860; the total number being 3,712,* and the total cost, £92,854 5s 6d.† Miss Kibble's Reformatory, Paisley, licensed for sixty boys, and having during the year twenty inmates, received no less a sum than £11,020 14s 5d. Of this sum the Treasury item was £305 3s 6d, though it is difficult to see why a call should have been made upon the public funds, by a charity having funds more than sufficient to support itself. We can hardly imagine that it was the intention of an individual, founding such a charity, that its trustees or managers should claim unnecessary subsidies from the rate-paying population. But, we suppose, it is an essential part of our British Reformatory economy to make the country pay the "uttermost farthing" sanctioned by the Act, whether required or not. It is true, indeed, the country will probably ere long tie up its purse strings, and then the enormous bequests that now "rust" in the coffers of certain institutions will be more than needed, in order to follow up the luxurious treatment which liberal times have inaugurated.

We shall now give a specimen of actual expenditure, as reported by Mr. Turner, in the "Philanthropic Society's Farm School," RED HILL, in the county of Surrey. This marvellous establishment contains 261 boys, and 31 officers; officers' salaries and allowances, £1,587 6s 5d; provisions for the year cost £2,162 9s 4d; clothing, £514 12s 5d; washing, fuel and light, £725 6s 1d; printing and office expenses, £448 4s 9d; repairs, rates and taxes, £260 14s 9d; furniture, &c., £175 10s 6d; travelling and police, £111 6s 6d; medical expenses, £73 19s 10d; rewards and gratuities, £56 2s 3d; sundries, £81 6s 1d; extra charges, £3,140 16s 7d; total expenditure during the year, £9,337 15s 6d!! We stand aghast as we contemplate the splendid outlay of that Institution for young criminals. Harrow, Rugby, and Eton may "pale their ineffectual fires" before it, and even Glencree itself has had a narrow escape from being thrown into the shade. It is curious to notice these rivalries of reckless philanthropy. "Washing, fuel and light" at Red Hill, cost, for the year, £725 6s 1d! The managers must certainly be patrons of heat, light and cleanliness. How, we ask, can industry and thrift be taught in the midst of prodigality? Is an institution, containing 261 boys, that costs annually £6,196 18s 11d, without extra charges, a place for teaching boys the way to rough it through life? The thing is absurd. We have no doubt about the benevolence of the founders of Red Hill, but we must put a note of interrogation after their wisdom.

Our notions in relation to expenditure would, however, be very imperfect, if we did not compare the financial reports of different

* Report, p. 9.

† P. 101.

Institutions. SAINT BERNARD'S Monastery school, Leicestershire, has nearly the same number of boys as RED HILL, the former 247, the latter 261. In the grand total (exclusive of extras) there is a difference, in the expense, amounting to £1,985 10s 2d. The "washing," &c., of 261 boys at Red Hill costs £725; whereas the "washing" of 247 at Saint Bernard's cost only £224. They must either be very badly washed in the one place, or there must be supererogatory cleanliness in the other. Is soap three times as dear in Surrey as it is in Leicester? Perhaps there are Turkish Baths at Red Hill, which the monks of Saint Bernard's have not yet introduced. But, by way of balancing matters a little, the monks of St. Bernard's Abbey appear to dress their boys in a superior style, for they expend £734 in clothing 247 boys, whilst the Red Hill managers clothe 261 for £514. But Red Hill pulls up again in the printing line, for its literary efforts cost £448, whilst the more primitive and mediæval monks of Loughborough probably do not care about patronising the printing press, as they owe it an old grudge, and their item on this score is the modest one of £141. The feeding at St. Bernard's must also be inferior to that at Red Hill, as there is a difference of £440 between them. Ecclesiastical regulations might, however, solve this problem.

Let us now compare the AKBAR and MARKET-WEIGHTON schools; the former containing 159 boys and the latter 176. The Akbar spends on "officers' salaries," £950, whilst Market-Weighton spends only £567. But the tables are turned in the article of clothing, for the Akbar stands at £396, whilst Market-Weighton runs up to £704.

Take, again, CASTLE-HOWARD and HANTS, with 52 boys each. The former disburses £403 to 7 officers, the latter pays 8 officers with £194.

MANCHESTER and STOKE schools have each 52 boys. The clothing of the former costs only £89; of the latter, £143.

LEICESTER gives to 4 officers £216: but BUXTON grinds down 7 officers to £155.

RED-HILL paid for the outfit and passage of 13 emigrants* the fabulous sum of £653 18s 8d,† or £50 for each "reformed" young criminal sent abroad. Think of a poor man's family, of 13, emigrating, and spending on their outfit and passage £650! Was ever such a thing heard of in the annals of emigration from our shores? We suppose the Red Hill committee gave their youthful *protégés* a cabin passage to their "desired haven," not wishing to reduce them all at once to life's rough hardships, after their long residence amid the attractions of the "Philanthropic Farm."

Such are a few specimens of the eccentricities of Reformatory fin-

* P. 81.

† P. 109.

ance, and they might be multiplied to any extent. These facts suggest grave reflections about the arbitrary management, and irresponsible character, of British Reformatories. The system is a complete chaos of inconsistencies. There is no great ruling spirit, but "every man does that which is right in his own eyes," guided by his own caprices, drawing lavishly upon private benevolence and the nation's resources, in order to sustain his own crude experiments upon the morals of our criminal population.

V. PROLONGED DETENTION.

Mr. Turner does not appear to be specially in love with long imprisonment. In reference to a large establishment in England, he says in the Report :

"A number of the older lads in the school appeared to me to have been *detained too long for the advantage either of the Reformatory or themselves*. They were committed when nearly 16 ; in some cases, no doubt, when they had really passed that age. Most of them were sent for the full term allowed by law, five years, and have been retained already for the larger part of that term. Considering the imperfections which have existed in the industrial and general training, it is not surprising that I found many of these older youths, who were in fact *young men*, murmuring and dissatisfied at not having been discharged, or placed in the way of *earning a livelihood*."*

A still stronger opinion is subsequently expressed :—

"I found 195 boys in this establishment at the date of my visit, a considerable number of them rather *young men than boys*, having been committed for long periods, such as five years, and retained for the whole (or nearly so) of their sentence. *I believe this system to be injudicious*, in a strictly organized Reformatory such as this, where discipline is carefully enforced, and likely to result in *great disappointment* to the expectations and efforts of the school managers. It has great drawbacks : it keeps the lad in the school when he ought, as to age and physical strength, to be earning his livelihood independently. It continues too long the more childish state of obedience to school regulations, and familiarity with boyish sports and habits. * * I do not believe that the longer detention has any effect in making the reformation of the boy's character more complete and permanent ; and I was not surprized at hearing that, notwithstanding their having been so long under such well-arranged discipline, and such skilful training and instruction as the institution unquestionably is distinguished by, there was but a moderate proportion of the thirty lads who would be discharged in 1861, of whose good conduct and steadiness the director could feel confident. There is no doubt that in most cases the boys' efforts to improve *wear out*, and that *discontent takes the place of hope and energy* when the detention is prolonged much after the third year."†

We consider this testimony a sufficient offset to the declaration of Mr. O'Hagan, in his address in Dublin, to the following effect—" *It is absolutely necessary that he should be subjected to it for a lengthened period, in order to the production of any permanently beneficial result.*" Mr. Turner's arguments for short imprisonments we believe to be unanswerable.

* Report, p. 40.

† Pp. 56, 57.

VI. POWER OF MAGISTRATES.

Mr. Turner comments on the abuse of Magisterial power in carrying out the Act;* and cites, with approbation, a lucid statement of Mr. Baker on the same subject, in the following terms:—

“If a *Magistrate*, aye, or sometimes a *Recorder* or *Judge*, finds ‘a really distressing case of a poor boy who has been found guilty of some slight offence, and *he does not know what to do with him,*’ why, what can be so convenient, so comfortable, so cheap a plan as to send him to a Reformatory!” †

It would be an ugly-looking thing for a magistrate to be committing boys to a Reformatory, of whose committee he was himself a member; and yet this may be the case. We have at this moment before us the names of a committee, and the list contains *several magistrates*. Similarly constituted are, doubtless, many other committees. It is awkward to have private leanings and public duties so mixed up together, that suspicions might be excited as to the impartial administration of the law. Besides, if there is any *advantage* in being one of the projectors of a Reformatory (and some say, there might be), then it is clear that, under certain circumstances, magistrates might be deriving benefit from their own sentences and decisions. ‡

We have now glanced at a few paragraphs in the official report of Reformatories in Great Britain, and they certainly give us little encouragement to tolerate the existence of a much worse system in Ireland.

CHAP. XII.

INDUSTRIAL SCHOOLS BILL.

Notwithstanding the unsoundness in principle, and the errors in detail, of the Irish Reformatory system, an attempt was made during the last session of Parliament to give extension to its abuses, by establishing Industrial Schools in Ireland on a gigantic scale. The Bill which was then introduced, and subsequently withdrawn, contained some of the most unreasonable propositions that were ever submitted to the Imperial legislature. Through the vigilant exertions of Mr. Dawson, member for the county of Londonderry, such opposition was encountered by the promoters of the

* P. 9.

† P. 13.

‡ See Prospectus for the formation of a Joint Stock Company to take advantage of the Act—issued in Nov. 1860!

Bill, that they deemed it expedient not to risk the trial of a second reading, and, accordingly, had the order discharged. It was, however, announced in the House of Commons that the Bill would be re-introduced next session, and it is of the last importance that constituencies and their representatives, both in Ireland and Great Britain, should clearly understand the objects of this sweeping measure. Should it, through the supineness or infatuation of Parliament, ever become law, its immediate effect will be, to overthrow the National system of Education in all the poorer districts of Ireland, to empty the Union Workhouse Schools, and to substitute a denominational system of government education for the present united plan, which has wrought so well during the last thirty years. A glance at the provisions of the Bill will at once prove these statements.

The Schools in the first instance are to be launched by private and benevolent managers, and then to be certified by the Chief Secretary as fit for their purpose—viz.: as places “in which children are to be *clothed, lodged and fed, as well as taught.*”

“Children of the descriptions hereinafter mentioned may be sent to certified Industrial Schools in pursuance of the provisions of this Act; that is to say—

“1. Any child *apparently* under the age of 14 years found begging or *receiving alms*, or placing himself in any street or public place *for the purpose* of begging or *receiving alms.*

“2. Any child apparently under the age of 14 years found *wandering*, and not having any home or settled place of abode, or any means of subsistence.

“3. Any child apparently under the age of *ten* years, that has committed any offence punishable by law, or frequents the company of reputed thieves.

“4. Any child under the age of 14 years, whose parent *represents* that he is *unable to control him*, and that he *desires* such child to be sent to school in pursuance of this Act, and who at the same time undertakes to pay such sum for his maintenance at school as may be ordered to be paid by the Justice before whom he is brought.”

Now we venture to say that five-sixths of all the children attending National Schools in certain districts of Ireland can be brought under one or other of these categories. And as for the check of “parental responsibility” we know that it has turned out a complete shadow under the Reformatory Act. Be it remembered, too, that the child “*may sleep or lodge at the dwelling of his parent,*” so that the children now attending National Schools may have the additional advantage of being “clothed and fed,” without the slightest curtailment of home-liberties. What is to hinder any parent from going to a Justice, and “*representing*” that he is “*unable to control*” his family? If he do, the Justice at once may commit the whole family to be “clothed, fed and taught” at the nearest Industrial School, and add to their sentence, that they are every night to lodge at their parents’ house! We may be sure that facile and kind-hearted Justices will not overburden the applicants with pecuniary responsibility. If this Bill pass, the National Schools will be at a discount in all the poorer districts of Ireland.

Mark, again, the immediate effect the measure would have in Workhouse Schools. Parents are not now permitted to pauperize their children, unless they are paupers themselves, but this principle is to be subverted, and parents may have their children a burden upon the Union, whilst they are themselves not in the list of paupers at all. Guardians of Unions should be made aware of the fact that they "*shall be liable to repay to the commissioners of her Majesty's Treasury all expenses incurred in maintaining such child at school, to an amount not exceeding five shillings per week, and in default of payment, such expenses may be recovered by any person appointed by the Chief Secretary or by his agent in a summary manner before one Justice of the Peace.*" All the children now in Union Workhouses can easily be withdrawn under this Act, and instead of about 1s 10d per week, their present cost, the Union may be compelled to support them at the rate of *five shillings* per week. It is for the country to consider whether they wish the National Schools and Poor-law system to be broken up, as they undoubtedly shall, should ever Mr. Maguire's Bill become law.

Further, the Schools are all to be on the denominational system. A party in Ireland has long been endeavouring to obtain denominational endowments in education, and the Industrial Schools Bill will effect all they wish. We may as well speak out plainly—the Ultramontane faction, who had a narrow majority in the Synod of Thurles, but who have a mere fraction of adherents among the intelligent Catholic *laity* of Ireland, have their policy sketched and their plans complete. They are determined to destroy United Education in Ireland. They tried to do it *directly* and failed; they now try to do it *indirectly* by an Industrial Schools Bill, and, if the country is true to itself, they must fail again. Let Mr. Maguire's Bill become law, and the National system in Ireland will not be worth six months' purchase. The next thing demanded will be separate Union Workhouses, separate gaols, and the end will be a separate army to establish a separate government. With these daring aims the intelligent Roman Catholic laity have no sympathy, and it is too bad that they should be misrepresented in the British Parliament. There is one vital principle in the government of Ireland upon which cabinets ought to stake their existence, and that is, the *maintaining of United Education in all its integrity*. One outpost has been already abandoned, but it must be retaken, and the aggressor repulsed. If the Reformatory Act is left as it is, "it will eat as doth a canker," until all our great national establishments shall be corrupted and overthrown.

If the projected Industrial Schools are to be considered places of imprisonment, where children have no choice but to remain, then some clauses of the Bill are of the most despotic character. Under clause 9, we find that a child, who places himself in the

street “*for the purpose*” of receiving alms, may at once be hurried off to an Industrial School. We cannot do better than transcribe from the *Saturday Review* a pungent comment on this worse than Neapolitan provision—

“It is the first time the law has undertaken to punish by a long imprisonment for intentions undeveloped into acts. The law nowhere else arrogates to its myrmidons the preterhuman faculty of diving into people’s brains, and discovering what they are intending to do, until they do it. * * * This new law will not wait for acts. It penetrates the ingenuous countenance of the juvenile offender, and discerns a criminal intent where others see only a taste for sauntering or gossip. A child who shall loiter on the pavement looking as if he would like to beg, or would like to receive alms (Query, are lollipops alms ?) shall forthwith be incarcerated for six or seven years as guilty of the offence of intending to beg. A child who shall show a taste for the society of somebody, whom somebody else shall repute to be a thief, but who may also be reputed, with better reason, to be an amusing companion, shall forthwith undergo a similar punishment for the offence of intending at some distant period to steal.” *

In fact the Bill might be entitled, “An Act to Promote and facilitate Kidnapping in Ireland ;” for “any person, whether constable or not, may bring before a Justice of the Peace any child” of the class described, “incontrollable,” “wandering,” or having a “purpose” to beg. If Industrial Schools were not well filled, it would not be the fault of the law, which has nothing narrow in it, except its bigotry.

We shall conclude this brief notice of the proposed measure by quoting a series of resolutions, passed at a meeting in Strabane in May, 1861, when the Bill was before the House of Commons. The “unqualified disapproval” of the meeting was expressed, for the following reasons :—

“1st. Because said Bill provides for the endowment of sectarian education on a confessedly ‘extensive’ scale in Ireland, which violates the spirit of enlightened legislation, and is a practical condemnation of existing educational establishments.

“2nd. It will, if carried into law, entirely supersede and nullify the operations of the National School system in the poorer districts of Ireland.

“3rd. It is in direct opposition to the spirit and action of the Irish Poor-law, which wisely declares that parents, who are not paupers themselves, have no right to pauperize their children; or to charge the country with their support and education.

“4th. The Bill holds out a premium to vagrancy and juvenile pauperism, and tends to the utter destruction of the self-reliance of the poor of this land.

“5th. It will entail an amount of expense upon the country, which, in the present state of taxation, cannot be viewed by the tax-payers without just alarm.”

CHAP. XIII.

PRACTICAL SUGGESTIONS.

After what has been said, the reader will be prepared for the avowal we now make, that if it were a question between the pre-

* *Saturday Review*, June 29, 1861.

sent system and no Reformatory system at all, we should choose the latter alternative. It is working mischief, and cannot possibly do good. But there is no reason why we should be driven to this alternative. There will be ample room for a better Reformatory agency when the existing one is totally abolished, for wisdom will not die with the Deasy Act. We have condemned the plan now in operation because it has failed to grapple successfully with the problem of juvenile crime, has increased the evils it was intended to remedy, and has created religious jealousies and suspicions that can only be allayed by its ceasing to exist. We are anxious to see a plan inaugurated that will be of permanent utility in the country, in consonance with common sense, the antecedents of enlightened legislation, and the lasting interests of the nation. Such a system must of necessity embrace the following principles, from which no deviation can be permitted.

I. REFORMATORY SCHOOLS MUST BE UNDER COMPLETE GOVERNMENT CONTROL IN ALL THEIR DEPARTMENTS.

The "amateur" plan must come to an end. Justice has been defeated, and liberty outraged long enough, by these private and irresponsible boards. The generous subscriptions of good men are all very well; but we say advisedly, there is scope enough for them in Ragged Schools, and other charities. The nation must do its own work, and take care of its own criminals. The mere erection of a building, for Reformatory purposes, is a paltry price to pay for the tremendous powers which the Deasy Act confers on private and irresponsible committees.

II. THERE MUST BE SOME UNIFORM SYSTEM OF EDUCATION AND GENERAL TRAINING.

It is a scandal to have one Reformatory laughing at another—everything left to individual caprices and crotchets. Some may have hit upon the right plan of reformation, but how many others must be floundering through miserable experiments. Surely the collective wisdom of the nation is capable of framing a salutary and safe system of treatment, rather than leaving all in the hands of self-elected committees, where five may be wise and five foolish. We could write a curious chapter on the Diversities, Whims, and Eccentricities of Reformatory education in Great Britain and Ireland. Let us have done with them.

III. THERE MUST BE UNITED, SECULAR, AND SEPARATE RELIGIOUS INSTRUCTION.

The plan adopted in National Schools is free from objection. We have been told over and over again that Reformation cannot be effected without the sway of religious motives. We grant this, just as we grant that no child can be trained in morality at all without the power of religious motives. But we would teach religion, and we would have its motives plied with earnestness by those most capable of enforcing its sublime and soul-saving truths. It is a delusion to suppose that this is not done in gaols, Union Workhouses, and National Schools. Religion is enforced in all these establishments; and similar facilities will be quite sufficient for Reformatory purposes. We hold the truths of the Gospel to be peculiarly sacred, and no education is worth much where they are ignored; but we still maintain that combined secular and separate religious instruction should be guarded as an essential principle in all the public establishments of our country.

IV. THE SCALE OF TREATMENT SHOULD BE SO MODERATE AS NOT TO BE ATTRACTIVE FOR ITS OWN SAKE.

How very different from the present expensive system such a mode of treatment would be, will readily be granted by all who have perused the foregoing pages.

If any one of these four vital principles were omitted from a Reformatory plan, we should regard it as not only worthless, but positively vicious. Better no plan than a bad one.

A system was some time ago proposed, in which these four fundamental principles could readily be incorporated and take effect; and as it would, at all events, be half a century in advance of the existing economy, we submit it for the candid consideration of the reader. It is embodied in a letter of Mr. David Cunningham, of Londonderry, and was favourably received by an influential portion of the Irish press, and by some members of parliament. The letter to which we allude will speak for itself:—

“Our rulers have already provided institutions for giving education to juvenile paupers. Why not extend their generosity and establish institutions for giving education to juvenile criminals? Why not extend the Union Workhouse establishments, and let us have one school for pauper, and another school for criminal children?—in fact, a juvenile Reformatory School within the walls of our present Workhouses. Might not this—to my mind—very practical scheme be easily accomplished by merely passing a Bill, as an amendment to the Poor-law Act, empowering the Government to allot a ward in each Union Workhouse for a distinct Reformatory School, and of course making use of the present machinery, so far as it goes, for the management of same? A master should, in such case, be appointed for each school to take charge of these Reformatory classes. If the number of juvenile offenders

was not sufficient to necessitate the formation of Reformatory Schools in all the Union Workhouses, one central house might be selected as the school for the children of two or three of the adjoining Unions, but in no case should the attendance in any one school be over twenty or thirty, so as to prevent the collecting together of too many of these youthful copartners in crime, and packing them into one educational establishment. Better far that juvenile reformed offenders should grow up unknown to each other, and be left to form new acquaintances, so as to avoid in after life those—it may be—evil disposed companions of their early days. Again, with respect to the religious difficulty, I have only to say that, if the plans here suggested were faithfully carried out, no objection could be raised on the ground of sectarianism. The different religions which the children professed should be regularly registered as they entered the schools, so that they might forthwith be placed under the instructions of the clergymen of the various religious denominations—the present Workhouse chaplains. In this respect, in fact, the Reformatory and pauper classes should be dealt with in a precisely similar manner. As an evidence of the successful working of the present system of pauper education, I may mention that, in reply to personal inquiries made at the Londonderry and other Unions in this neighbourhood, I have received statements which affirm that there is no difficulty in finding employment for the children after education, so to speak, has been completed. Generally speaking, employers are most anxious to engage them as helpers, servants, or apprentices. I know this is most unmistakably the case in the North of Ireland at least, and it is certainly no small recommendation of my plan, that, after the Reformatory sentence has been carried out, the delinquent would have a fair prospect of finding an honest means of earning a livelihood. Indeed, the great advantage here sought would be to avoid stamping a child for life with the character of a criminal, who, perhaps, notwithstanding that he had committed an offence, might not, on the whole, be ill-disposed; to construct harbours of refuge, as it were, into which youthful offenders might be sent before they had become hardened in crime by being confined in our gaols, or keeping company with the worthless and the idle, where it is fondly hoped they would receive a good, moral, and industrious training, that would fit them for an after career of integrity and useful labor.”

The same writer further explains—

“Being desirous of adding some further observations to those I have already made, as to the cost and working of Juvenile Reformatories in connexion with our Union Workhouses, I request the favour of a portion of your space for the following observations :

“Taking it for granted that each of the proposed Reformatories would have thirty boys and thirty girls, I would estimate the expense of a master at £40, and of a mistress at £30 per annum. The cost of feeding, clothing, and other necessities, for sixty children, might be estimated at £325 per annum—*i. e.*, 2s 1d per head per week, which was the average expense of the several inmates of the Poor-law Unions throughout Ireland last year. This would make the total expense of each Reformatory School, for sixty children, £395 per annum. It is almost unnecessary to state that it is only in one out of several of our Union Workhouses that a Reformatory School would be required. Then, be it remembered, that all this could be accomplished without having to incur the expense of erecting new buildings, or appointing an expensive staff of Government officials, all the present machinery of our Workhouses being available for carrying out the benevolent object in view.”

Other plans have been suggested, which would certainly be free from the fatal objections which lie against the present system. Whether any of them will be finally adopted we do not undertake to predict; but we think sufficient reason has been shown for the immediate repeal of the Deasy Act, which has only proved itself to be the bulwark of extravagance, proselytism, and bigotry, and has utterly failed to arrest the progress of juvenile crime in Ireland.

A

"Akbar" Frigate, Liverpool, 33, 83.
 "Amateur Legislation, 53, 81.
 Anderson, Matthew, Esq., 52.
 Antrim Grand Jury, 57, 62.
 Arbitrary Management, 20, 78.
 Attorney General for Ireland, 6, 69, 73, 84.

B

Bait to catch Criminals, 54.
 Baker, Mr., of Hardwicke, 63, 72, 81, 85.
Banner of Ulster, 42, 44, 46, 75, 77.
 Barry, Mr., Q.C., 52.
 Berwick, Mr. Serjeant, 6.
 "Boarding Schools" for Criminals, 31, 60.
 Brougham, Right Hon. Lord, 27.

C

Campbell, Mr. Alderman, 58.
 Chief Secretary's Power, 32, 55.
 Childs, Rev. Edward, 48.
 Christianity the Law of England, 22.
 Church Temporalities Act, 5.
 "Clericus," Letters of, 50.
Coleraine Chronicle, 75.
 Committals of Juveniles, 7, 21.
 Common Law and the Deasy Act, 52.
 Cooke, Rev. H., D.D., LL.D., 77.
 Crawford's case, 38, 44, 66.
 Crime and Punishment, 22.
 Crime patronized, 23.
 Criminal Incidents and Cases, 27.
 Crown Lawyers, 47, 59.
 Cunningham, David, Esq., 57, 60, 90.

D

Daily Express, Dublin, 61, 68, 75.
Daily Mercury, Belfast, 69, 75.
Daily Post, Liverpool, 33, 76.
 Daly's case, 47.
 Dawson, R. Peel, Esq., M.P., 85.
 Deasy Reformatory Act, 9.
 Decrease in Juvenile crime, 7, 8, 21, 24, 59, 69, 70.
 Demoralizing Tendencies, 21, 28.
 Denham, Rev. J., D.D., 77.
 Discrepancies in Returns, 57.
 Down and Connor, Bishop of, 77.
 Draft-Bill, Mr. Murray's, 9.
 Duffin, Rev. Mr., of Maghera, 42.

E

Education, Course of, 19.
 Emancipation Act, 5.
 Encouragement to Crime, 26.
 English Reformatories, 77.
 Expenditure, 26, 56, 58, 60, 63, 64, 81, 90.

F

False Alarms, 6, 8.
Freeman's Journal, 18, 58.
 French Statistics, 70.
 "Fugitive Slave Law," 21.

G

Gayer, Dr., 61, 62.
 General Assembly, Ireland, 56, 76.
 Glencree Reformatory, 18, 20, 30, 40, 41, 47, 57.
 Government Control, 19, 32, 89.
 Grogan, Sir E., Bart., M.P., 24, 47, 53.

H

Hains, Rev. Philip, of Liverpool, 17, 76.
 Hamilton, Lord Cland, M.P., 31, 32, 44.
 Hawthorne's case, 30, 38.
 Hill, Mr. Recorder, Birmingham, 33.
 Hostility to the Act, 73.

I

Impartial Reporter, Fermanagh, 75.
 Inconsistency at Dublin Castle, 48.
Independent, Sligo, 75.
 Industrial Schools Bill, 85.
 Inspector General of Prisons, 7, 16, 20, 78.
 Irish Congregational Union, 76.
 Irish Legislation, 5.
 Irresponsible Management, 15.

J

Juveniles Rejected, Justice Defeated, 20.

K

Kibble Reformatory, Paisley, 82.

L

Labor and Crime, 60.
 Lefevre, Sir John G. Shaw, 77.
 Licensed Slave Masters, 21.
 Londonderry Petition, 76.
 " *Sentinel*, 51, 62, 74.
 " *Standard*, 51, 62, 74.
 " *Guardian*, 62, 74,
 " *Journal*, 74.

Love and Sentimentality, 22.

M

Macnaughtan, Rev. John, 44, 46, 66.
 Maguire, Mr., M.P., 87.
 Malone Reformatory, 35, 57.
 McClure, Rev. W., 77.
 Memorial in Hawthorne's Case, 43.
 "Menagerie", Belfast, 31, 38.
 Miraculous Correspondence, 30.
 Mixed Marriages and Religion, 66.
 Montgomery, Rev. H., D.D., LL.D., 22, 77.
 Murray, Mr. Patrick Joseph, 6, 9, 26, 36, 40, 41, 43, 51, 63, 64.

N

National Education System, 5, 34, 36, 86, 90.
 Needed—were they? 5.
Northern Whig, Belfast, 38, 44, 71, 75.
News-Letter, Belfast, 74.
 Non-subscribing Association, 76.

P

Parental Responsibility, 26.
 Pearson, Charles, Esq., 22.
 Poor-law, Ireland, 5, 24, 34, 36, 54, 60, 86.
 Poor Men Discouraged, 23, 29.
 Power of Magistrates, 65, 85.
 Practical Suggestions, 88.
 Premium upon Crime, 27.
 Presbyterians, Illegal Detention of, 55.
 Private Committals, 67, 68.
 Proselytism, 38, 53, 55.
 Protracted Imprisonment, 69, 71, 84.
 Public Meetings, 23.

Q

Queen's Colleges, Ireland, 34.

R

Re-committals, 7, 64.
 Recorder of Dublin, 52, 53, 77, 78.
 Red Hill School, 82, 83.
 Red Lodge School, 80.
 Reformatories are Prisons, 15.
 Religion Stereotyped, 54.
 Results, 33, 71, 73, 80.
 Return, House of Commons', 25, 57.
 Rogers, Rev. John, 77.

S

Saint Bernard's Monastery, 83.
Saturday Review, 88.
Saunders' News-Letter, 41.
 Secrecy of the Act, 67.
 Sectarianism, 34, 81.
 Select Committee, Recommendation, 18.
 Severity of Discipline, 18.
 Social Science Congress, 69, 70, 77.
Southern Reporter, Cork, 75.
 Spurgeon, Rev. C. H., 23.
 Stanley, Lord, M.P., 24, 28, 29.
 Stephenson's Case in the "Akbar," 15, 17, 26, 28, 33.

T

Thomson, John, Esq., J.P., of Low-wood, 62.
 Tracy, Mr., R.M., 33, 43.
 Turner's, Mr., Report, 59, 72, 78.
 Tyranny may exist, 16.
 Tyrrell's Case, 15, 47.

U

Ultramontane Party, 87.
 Under-Secretary, 45, 46, 48, 66, 67.
 Uniform System of Education, 89.
 Union Workhouses, 24, 34, 36, 60, 86, 90.
 United Education, 36, 87, 90.
 "United Industrial Schools," 81.

V

Vacillation at Dublin Castle, 46.